

Exhibit B-1

POLITICS

Excused juror in Sen. Bob Menendez trial says she would have acquitted him

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Anthony Johnson has the latest in the Sen. Bob Menendez trial.

AP By DAVID PORTER

Thursday, November 09, 2017 06:47PM

NEWARK, New Jersey -- A juror who was excused from the bribery trial of U.S. Sen. Bob Menendez on Thursday said most of the jurors favor acquittal and that she would have cast a not-guilty vote for the New Jersey Democrat on all counts.

Evelyn Arroyo-Maultsby spoke outside the courthouse after the jury was

unable to reach a verdict after three full days and part of a fourth. The judge in August approved her leaving by this week because she had a trip planned for a family wedding.

Menendez and Florida eye doctor Salomon Melgen are charged with a bribery scheme in which Melgen allegedly bribed Menendez with trips on his private jet and luxury vacations so Menendez would lobby government officials on his behalf.

"What I saw in the courtroom was he was not guilty on all counts and so was Dr. Melgen," Arroyo-Maultsby said. "They are friends. If I was rich and I had a lot of money and I want to take my friend somewhere, why can't I?"

She said one juror was pushing strongly for an acquittal and she believes the trial will end with a hung jury.

Arroyo-Maultsby was replaced by an alternate, and jurors will resume deliberations Monday, though the judge said they must start over with the new juror. Alternates sit with the rest of the jury during the trial and hear all evidence and testimony but do not participate in deliberations.

The jury began deliberating late Monday and has put in about 15 hours during three-plus days.

"I have faith that, when the new juror takes her seat on Monday, as I've had faith from the first day of this trial, that she will join with the others in finding us innocent of all the charges," Menendez said outside the courthouse.

Both men say there was no bribery arrangement.

The jury is considering a total of 18 counts - both men are charged with conspiracy, violating the Travel Act, three counts of honest services fraud and six counts of bribery. Menendez also is charged with making false

statements by omitting Melgen's gifts from his Senate disclosure forms.

Prosecutors contend Melgen made Menendez his "personal senator," available during a seven-year period as needed, such as when Melgen was embroiled in an \$8.9 million Medicare billing dispute.

Defense attorneys say the gifts were part of the men's longtime friendship and that Menendez's meetings with government officials were focused on broader policy issues, not specifically on Melgen's problems.

Neither man testified during the trial, leaving jurors to rely on emails and witness testimony to assess what their intentions were.

Exhibit B-2

Excused Menendez Juror Says Senator Should Be Acquitted

By **David Voreacos** and **Neil Weinberg**
 November 9, 2017, 10:44 PM EST

- Excused for vacation, juror says U.S. prosecutors are corrupt
- Juror says panel could still convict for false statements



Senator Robert Menendez, a Democrat from New Jersey, right, exits federal court in Newark, New Jersey, on Nov. 9, 2017.
 Photographer: Peter Foley/Bloomberg

Senator Robert Menendez is “not at all corrupt” and should be acquitted of all charges against him at his bribery trial, according to a juror excused Thursday from the panel during jury deliberations because of a previously arranged vacation.

“According to all the evidence that they brought into the courtroom, Senator Menendez is not guilty for all the charges they brought,” Evelyn Arroyo-Maultsby, who was Juror #8, told Bloomberg News. “They just didn’t give me enough.”

Arroyo-Maultsby sat through nine weeks of testimony and four days of deliberations at a trial where prosecutors accuse the New Jersey Democrat of trading political favors for bribes from a donor, Salomon Melgen, a Florida eye doctor, who is also on trial. She agreed with defense lawyers who said the men are good friends who had no corrupt intent when Melgen gave the senator gifts such as private jet travel, a vacation in Paris and hundreds of thousands of dollars in campaign donations.



After U.S. District Judge William Walls excused her at the end of the day, Arroyo-Maultsby left the federal courthouse in Newark, New Jersey, and spoke briefly to reporters, creating an uproar by saying the senator is innocent: the prosecutors are



Evelyn Arroyo-Maultsby Photographer: David Voreacos/Bloomberg

corrupt and the jury is divided. She expanded on those remarks in an interview at her kitchen table in Hillside, New Jersey, where she wore her "Juror" button and sat by a painting of the Last Supper.

Ethics Forms

While she said the jurors are leaning toward acquitting Menendez on the conspiracy, bribery, and honest service fraud counts, she had an ominous observation suggesting the senator may not be in the clear. On Wednesday, she said, all 12 jurors unanimously agreed that Menendez was guilty of making false statements in failing to disclose Melgen's gifts on his Senate ethics forms.

But she said that judgment didn't sit right with her, so she backtracked on that count, the last of 18 in the indictment.

"Last night, I came home very upset because I changed the last verdict to guilty," said Arroyo-Maultsby, 61. "Today, it wasn't in my heart."

When she changed her vote on Thursday, she said, one other juror joined her, leaving the margin at 10-2 for conviction on the false statements count. Judge Walls appointed an alternate juror to take her place, and the group could still change its views when it reconvenes on Monday. A hung jury could result in a retrial, if the government decided to keep pursuing the case.

Puerto Rican

Arroyo-Maultsby, a daughter of Puerto Rican immigrants, is a payroll clerk at NJ Transit, where she has worked for 22 years. She dropped out of high school in Passaic, New Jersey, when she had her first child at age 17, and she later got a general equivalency diploma. She and her husband, Russell, have a blended family with six children, 13 grandchildren and two great-grandchildren.

Justice Department prosecutors, who began investigating Menendez in 2012, failed to impress Arroyo-Maultsby.

"They said that Menendez is corrupt," she said. "I think the prosecutors are corrupt. They didn't present everything they should have presented." She said it appeared that prosecutors coached witnesses "to make it sound like Senator Menendez did something wrong."

Menendez, a son of Cuban immigrants, is a leading Hispanic voice in Congress. Jurors heard that Melgen, a native of the Dominican Republic, is his closest friend.

"He's a very good man to be our senator," she said. "He cares about his people, and he didn't forget where he came from. He helped a lot of people, not only Dr. Melgen."

Doctor's Bribes

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Prosecutors accuse Menendez of taking Melgen's bribes to help him with a port security contract in the Dominican Republic, visas for three of the doctor's girlfriends, and an \$8.9 million Medicare overbilling dispute. The senator says he was driven in his meetings with Medicare administrators, including former Health and Human Services Secretary Kathleen Sebelius, by a desire to clarify a confusing policy and

not to enrich his friend.

Arroyo-Maultsby was initially impressed by the prosecution's presentation of lavish photographs of Casa de Campo, where Melgen hosted the senator. But when she saw photos of Melgen's more modest home, she said: "I thought that's not so extravagant."

Lawyers not involved in the case offered varying opinions on the impact of Arroyo-Maultsby's comments. Attorney Michael Weinstein said it could lead to a mistrial, and the judge will have to question the remaining jurors about whether they saw news reports concerning her comments.

"In a complicated case, this has certainly become more complicated and convoluted," said Weinstein, of law firm Cole Schotz. If Menendez is convicted, "this certainly could come up in an appeal."

Attorney Robert Mintz of McCarter & English LLP said he doubts her comments would affect the trial or any possible appeal.

'Outside Influence'

"A judge would say, 'What goes on inside the jury room should remain among jurors, at least until the end of the case, so they can deliberate without outside influence,'" Mintz said. "But unless those conversations influence the remaining jurors, it's not likely to be an appellate issue."

Former federal prosecutor Lee Vartan said the comments by the juror offer a well-deserved repudiation of the Justice Department for bringing "such threadbare evidence" in a criminal case against Menendez.

"If you're going to prosecute a United States senator, you'd better have a letter, an email, a document," he said, "something showing a quid pro quo. It makes me wonder who was minding the shop at the Department of Justice."

After Saturday, Arroyo-Maultsby will be enjoying a wedding on a cruise with her family, and celebrating her husband's 60th birthday. Both are devout Christians.

"I'm praying that Senator Menendez and Dr. Melgen will be found not guilty, that they make the right decision," she said.

The case is U.S. v. Menendez, 15-cr-155, U.S. District Court, District of New Jersey (Newark).

Exhibit B-3

No Verdict in Menendez Bribery Trial, Judge Dismisses Juror

By **David Voreacos** and **Neil Weinberg**

November 9, 2017, 4:31 PM EST

- Deliberations to start anew as juror goes on planned vacation
- Senator has 'faith' panel will find him innocent, he says



Robert Menendez, a Democrat from New Jersey, arrives at federal court in Newark, New Jersey, on Nov. 9. *Photographer: Bloomberg*

After jurors in the bribery trial of Senator Robert Menendez ended their fourth day of deliberations without a verdict on Thursday, the judge dismissed one member who had previously arranged a vacation, replacing her with an alternate.

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The 12-member panel will restart deliberations anew on Nov. 13, weighing whether the New Jersey Democrat traded political favors for bribes from a donor, Salomon Melgen, a Florida eye doctor also on trial. During jury selection in August, U.S. District Judge William Walls promised the excused juror that he would let her attend a wedding in the Bahamas next week if the trial wasn't finished in federal court in Newark, New Jersey.

"I have faith that when the new juror takes her seat on Monday, as I've had faith from the first day of this trial, that she will join with the others in finding us innocent of all the charges," Menendez said outside the courthouse.

Jurors had no questions for the judge on Thursday as they worked through an 18-count indictment charging Menendez and Melgen with conspiracy, bribery, honest-services fraud and violations of the Travel Act. Menendez is also charged with false statements for not disclosing Melgen's gifts on his Senate ethics form. The trial began on Sept. 6.

Exhibit B-4

No Verdict In Menendez Bribery Trial, As Jury Loses A Member

November 9, 2017 4:15 PM

Filed Under: [Bob Menendez](#), [Glenn Schuck](#), [Local TV](#), [Peter Haskell](#), [Salomon Melgen](#)

Watch & L



NEWARK (CBSNewYork/AP) — The third full day of jury deliberations in Sen. Bob Menendez's bribery trial ended without a verdict and the panel of 12 losing a member.

Jurors deliberated for about an hour Monday afternoon then all day Tuesday and Wednesday. Since they didn't reach a verdict Thursday, they'll have to start anew on Monday.

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One of the jurors has a scheduled vacation and the judge said he'll replace that panelist with an alternate. Court will be closed on Friday for Veterans Day.

The excused juror, Evelyn Arroyo, spoke outside the courthouse Thursday, saying she would have found the senator not guilty.

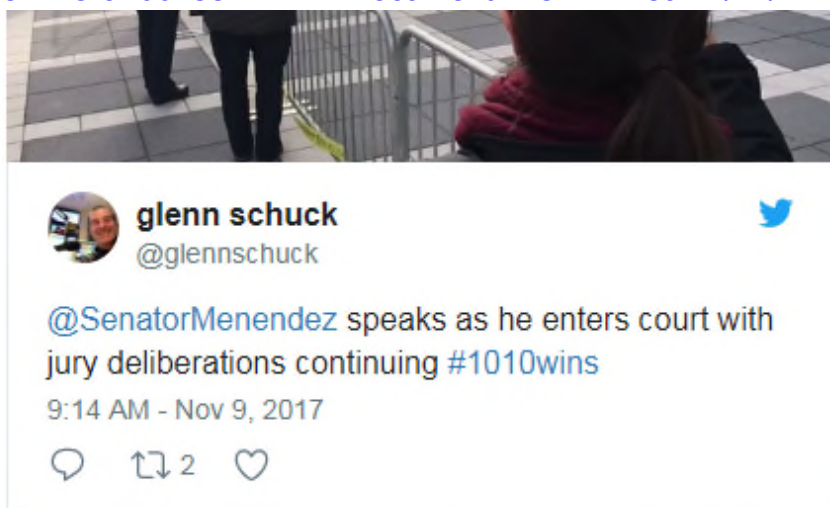
"What I saw, the government didn't give me enough," she said. "So I think the defense showed me enough to say he's not guilty on every count."



Menendez spoke briefly as he entered court Thursday morning and said he's trying to be patient, 1010 WINS' Glenn Schuck reported.

"The jury has family, children, jobs," he said. "I get after nine weeks, 60 witnesses, hundreds of pages that they're doing their job. I'm happy to wait for the jury to come to a just verdict."





Menendez is charged with accepting gifts from Florida eye doctor Salomon Melgen over several years in exchange for helping Melgen advance his business interests by exerting pressure on government officials.



The two men face multiple bribery and fraud charges and Menendez also is charged with making false statements on Senate forms by not disclosing Melgen's gifts.

The jury began deliberations after hearing nearly eight hours of attorneys' closing arguments and roughly nine weeks of testimony.

Exhibit B-5

DEMOCRATS - Published November 09, 2017

Menendez trial juror predicts hung jury, claims senator 'did nothing wrong'

By Karim Zakarabov | Fox News

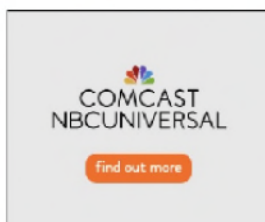


Dismissed juror predicts hung jury in Menendez trial

Democratic senator from New Jersey is accused of accepting several gifts and donations in exchange for political influence; jury deliberations set to restart Monday.

A woman who sat on the jury for weeks in the corruption case of New Jersey Democrat Sen. Robert Menendez opened up to reporters outside court Thursday after the judge dismissed her and she predicted the trial would end with a hung jury.

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The third day of jury deliberations ended Thursday afternoon with U.S. District Judge William Walls dismissing Evelyn Amato Maulsby, a member in the 12-person panel, so she could spend time with her family.

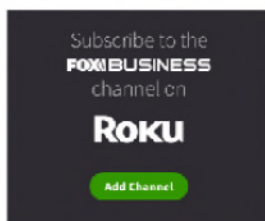
As she left, the now-vacating juror dropped a bombshell telling [Politico](#) and other media that Menendez "did nothing wrong," and that the prosecution was trying to "railroad" him.

She added that if she had stayed on she would have voted in Menendez's favor.

Monendez has been accused of accepting an array of donations and gifts from a wealthy friend in exchange for political influence. Both Monendez and the doctor, Salomon Melgen, have maintained their innocence.

"What I saw in the courtroom was, he was not guilty on all counts, and so was Dr. Melgen," Evelyn Arroyo Mendibsky said outside the courtroom on Thursday. "They are friends. If I was rich and I had a lot of money and I want to take my friend somewhere, why can't I?"

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The juror got permission to go on vacation from Walls back in August when she was selected. The judge reassured her last week that she still would be able to go, and on Thursday named an alternate to take her place.

He also ordered the jury to begin fresh deliberations Monday.

The new jury is made up of seven women and five men.

Court is closed Friday for Veterans Day.

Monendez thanked the female juror who was dismissed Thursday, and told reporters he has "faith" that when the new juror takes her seat on Monday that she will find him innocent.

Thursday morning, Monendez appeared okay with a delayed verdict.

"The jury has family, children, jobs. I get after nine weeks, 90 witnesses, hundreds of pages that they're doing their job. And they also have challenges at home," Monendez said before entering the courthouse. "So, you know, I'm happy to wait for the jury to come to a just verdict."

On Tuesday, panelists asked Walls for the definition of a senator. The federal judge refused to answer.

He also declined a juror's request Monday for a transcript of the closing argument by Abbe Lowel, Monendez's attorney.

Walls told jurors they would need to rely on their memories.

The case marks the first time in almost a decade that a sitting U.S. senator faced a federal bribery charge.

According to the criminal complaint, the New Jersey Democrat greased the wheels for Melgen, a Florida ophthalmologist.

Among other things, Monendez was accused of helping obtain visas for several of Melgen's girlfriends as well as lobby the State Department on his behalf regarding a \$500 million port security contract in the Dominican Republic. Melgen, in turn, paid for private jets, hotel rooms and forked over nearly \$75,000 in campaign contributions to Monendez.

Even though a bribery conviction doesn't mean Monendez would be forced to resign, the 63-year-old lawmaker likely would face intense pressure to step down.

A recent Fox News poll found that a majority of voters think Monendez should resign immediately if he is convicted.

Vice President Mike Pence has said that it would be "altogether inappropriate and wrong" for a convicted felon to remain in the Senate. However, he said it would be a decision left up to the Senate if Monendez didn't resign.

Monendez, who is up for reelection next year, was selected to replace former Democratic Gov. Jon Corzine in 2005.

If Monendez steps down from the Senate before Jan. 16, outgoing and widely unpopular Republican Gov. Chris Christie would get to appoint a successor. If Monendez steps down or is forced out after that date, the decision would go to newly elected Democratic Gov. Phil Murphy.

Carl Mayer, author of "Shakedown: The Fleecing of the Garden State," has called for Monendez to resign.

"Monendez and Christie are opposite sides of the same coin. They both have excelled in the dark darts of New Jersey politics, but they are both, now, at the end of their political careers because voters are tired of the swamp," he said.

Meanwhile Melgen, 63, was convicted of 67 counts of health care fraud in April, in what The Palm Beach Post called one of the biggest Medicare fraud cases in the U.S.

The Associated Press contributed to this report.



Exhibit B-6

Menendez Trial Bombshell: "Trouble in the Jury Room"

By Alex Zdan | November 9, 2017, 4:53 pm | in News



NEWARK – Speaking just minutes after she was excused today from the jury deliberating Sen. Bob Menendez's corruption case, a former juror blasted the prosecution, said the senator did not do "anything wrong," and predicted the case is headed for a hung jury.

Evelyn Arroyo-Maultsby, who was excused so she could go on a long-planned vacation to the Bahamas starting tomorrow, said prosecutors had not established their case beyond a reasonable doubt, and several jurors agreed with her during the four days of deliberations. Arroyo-Maultsby said she was swayed the gifts of private jet travel, vacations and campaign donations to Menendez from Dr. Salomon Melgen were motivated by friendship and were not bribes.

"What I saw in the courtroom was that he was not guilty on all counts," she said. "And so was Dr. Melgen. They are friends. And if I was rich and I had a lot of money, and if I want to take my friend somewhere, why can't I?"

As of this afternoon, she said the majority of jurors still believed Menendez and Melgen are not guilty. However, at least one person inside the jury room is convinced of Menendez's guilt, she said, and this person is recruiting jurors to change their votes. Two have flipped from the not guilty camp to the guilty faction since the first straw poll taken Monday afternoon, Arroyo-Maultsby said.

She did not identify the person advocating to find Menendez guilty, but said it is not the jury foreman.

"There's trouble in the jury room," she said. "It looks like a hung jury."

In fact, Arroyo-Maultsby said she tried to convince her fellow jurors to say so today, but was rebuffed.

"I told them that they're holding back on what I want to say, and we should go and let the judge know how we feel," Arroyo-Maultsby said. "And they didn't want to."

Arroyo-Maultsby said she developed her strong belief that Menendez and Melgen should be acquitted by listening to the arguments during the trial.

"I already was in the courtroom for nine weeks," she said. "And those nine weeks, they presented everything they had to present. I didn't fall asleep, I paid attention and I wrote my notes."

"I don't think the prosecutor gave me enough," she said. "They didn't give me enough evidence, they held too much stuff behind....I just didn't see it."

Arroyo-Maultsby was replaced by an alternate juror this afternoon, and the jury dismissed for the weekend immediately afterward. When they reconvene Monday, Judge William Walls has instructed the 11 original jurors and the one former alternate to restart deliberations from the beginning.

"I didn't like this experience," Arroyo-Maultsby said. "I just feel the unfairness and the way they presented it. To me, the government, talking about him being corrupt, I think the government was corrupt at this time."

"I think the government was the crooked one, not Menendez," she said.

Exhibit B-7

Excused Menendez Juror: 'He Was Not Guilty on All Counts'

By Brian Thompson

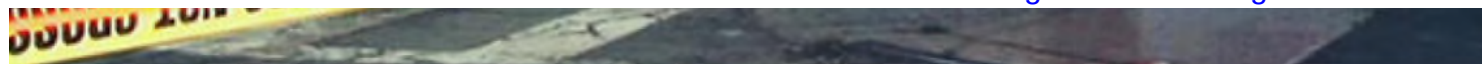


A juror who was excused from the bribery trial of U.S. Sen. Rob Menendez on Thursday said most of the jurors favor acquittal and that she would have cast a not-guilty vote for the New Jersey Democrat on all counts. Brian Thompson reports. (Published Thursday, Nov. 9, 2017)

A juror who was excused from the bribery trial of U.S. Sen. Rob Menendez on Thursday said most of the jurors favor acquittal and that she would have cast a not-guilty vote for the New Jersey Democrat on all counts.

Evelyn Arroyo-Maultsby spoke outside the courthouse after the jury was unable to reach a verdict after three full days and part of a fourth. The judge in August approved her leaving by this week because she had a trip planned for a family wedding.





Top Tri-State News Photos

Menendez and Florida eye doctor Solomon Melgen are charged with a bribery scheme in which Melgen allegedly bribed Menendez with trips on his private jet and luxury vacations so Menendez would lobby government officials on his behalf.

"What I saw in the courtroom was he was not guilty on all counts and so was Dr. Melgen," Arroyo-Maulsby said. "They are friends. If I was rich and if I had a lot of money and I want to take my friend somewhere, why can't I?"

• Menendez Jurors Near Deliberations in Bribery Trial

She said one juror was pushing strongly for an acquittal and she believes the trial will end with a hung jury.

Arroyo-Maulsby was replaced by an alternate, and jurors will resume deliberations Monday, though the judge said they must start over with the new juror. Alternates sit with the rest of the jury during the trial and hear all evidence and testimony but do not participate in deliberations.



President Donald Trump winds down his first official trip to Asia, in the Philippines. After walking back from his comments that he believed Russian President Putin's denials, he heads back to the U.S. and faces a Republican Senate election controversy.

Published 201 minutes ago

The jury began deliberating late Monday and has put in about 15 hours during three-plus days.

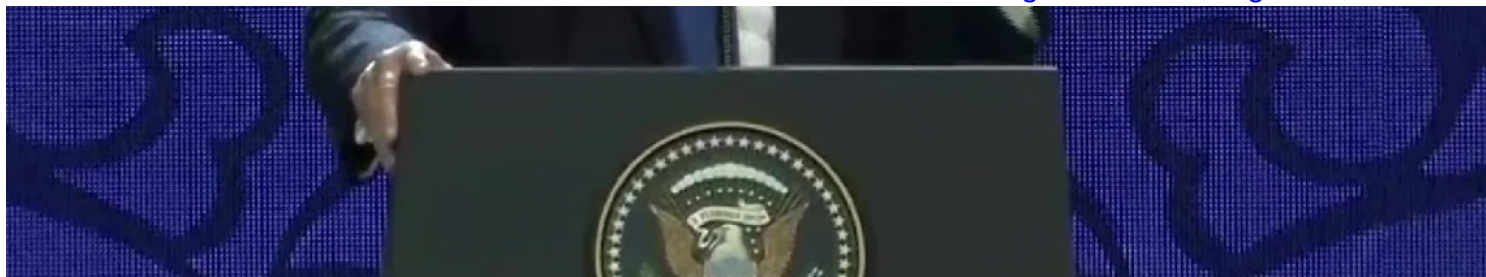
It's unclear what effect Arroyo-Maulsby's comments could have on deliberations. Jurors are instructed by the judge not to read anything about the case or discuss it during the trial, but their actions outside the courtroom aren't monitored.

• Menendez Was Wealthy Donor's 'Personal Senator': Feds

"They shouldn't know any disclosures by the parting juror, but if they do become aware of it, that potentially taints the deliberations," said Mala Ahuja Harker, a former federal prosecutor in New Jersey.

It is possible the judge could interview each juror individually Monday to see if any had seen reports of Arroyo-Maulsby's comments. Assuming deliberations continue, the introduction of a new juror will shift the dynamic in the jury room, Ahuja Harker said.





President Trump delivered a speech at the Asia-Pacific Economic Cooperation CEO Summit 2017, saying he does not blame China for "taking advantage of" the U.S. when it comes to trade.
Published Friday, Nov. 10, 2017

She said each jury has a unique dynamic, and injecting a new person changes it. For instance, if there was a dominant voice in the group and others weren't voicing their opinions, adding a new voice could make some jurors more comfortable expressing their opinions, Aluja-Hurker said.

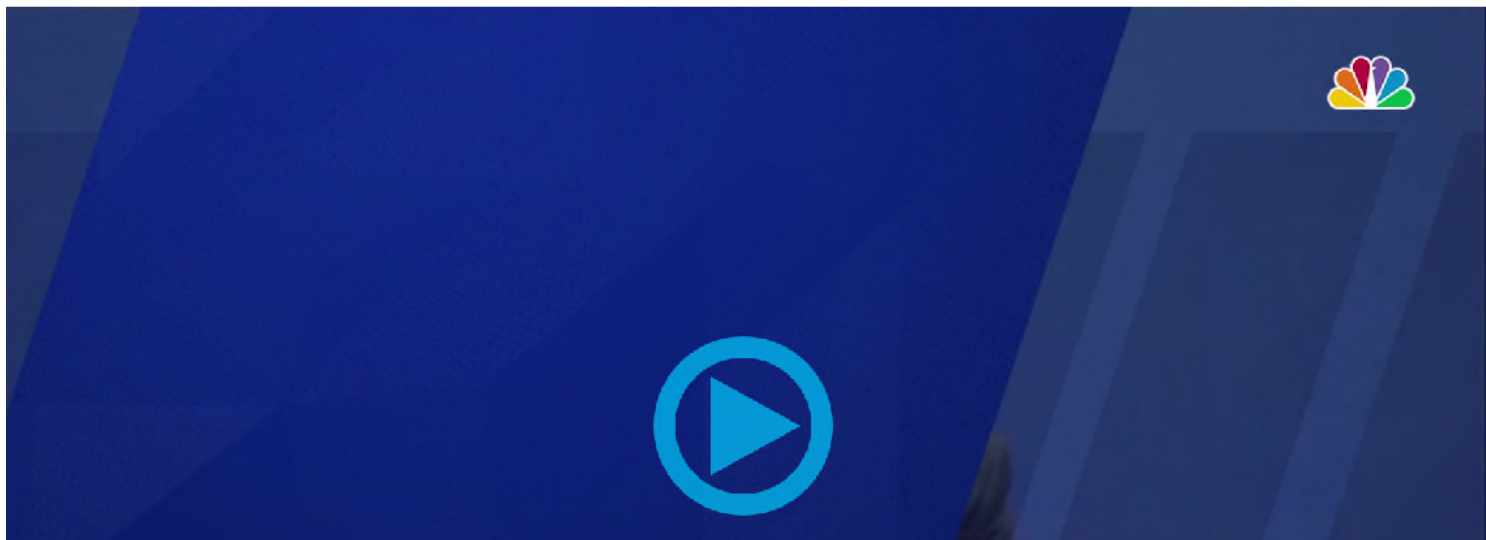
Menendez, speaking outside the courthouse, said he has confidence in the replacement juror.



A broad range of House Republicans Thursday said they were ready to work to craft a new legislative fix for young immigrants, known by supporters as Dreamers, before the end of this year.
Published Thursday, Nov. 9, 2017

"I have faith that, when the new juror takes her seat on Monday, as I've had faith from the first day of this trial, that she will join with the others in finding us innocent of all the charges,"

The jury is considering a total of 16 counts — both men are charged with conspiracy, violating the Travel Act, three counts of honest services fraud and six counts of bribery. Menendez also is charged with making false statements by omitting McGowan's gifts from his Senate disclosure forms.



COUNTRY FOR BEING ANOTHER COUNTRY

President Donald Trump said he didn't "know China," but what he claimed was a unique friendship between China and the United States on Nov. 8, 2017. "I gave China great credit," he said, before casting blame on said American administration.

Prosecutors contend Melgen made Menendez his "personal senator," available during a seven-year period as needed, such as when Melgen was embroiled in an \$8.9 million Medicare billing dispute.

Defense attorneys say the gifts were part of the men's longtime friendship and that Menendez's meetings with government officials were focused on broader policy issues, not specifically on Melgen's problems.



One year ago Donald Trump was elected President of the United States in what many considered to be an upset victory over Hillary Clinton. Now, one year later, Democrats are celebrating, winning closely watched governor's races in New Jersey and Virginia, and other victories down the ballot.

Published Thursday, Nov. 8, 2017

Both men say there was no bribery arrangement. Neither testified during the trial, leaving jurors to rely on emails and witness testimony to assess what their intentions were.

Exhibit B-8



Recommend 100



3

Dismissed juror: Menendez trial may end in hung jury

Posted: Nov 09, 2017 11:32 AM EST

Updated: Nov 10, 2017 8:27 AM EST



NEWARK - One of the jurors in the bribery trial of Democratic U.S. Sen. Bob Menendez says that it is possible the trial will end as a hung jury.

Evelyn Arroyo Maultsby, Juror No. 8, was dismissed from the trial Thursday because she had a previously scheduled vacation. The jury did not reach a verdict on their third full day of deliberations and an alternate juror will take Maultsby's place.

Maultsby says that if she stayed on the jury she would have found Menendez not guilty on every count. She says that she believes Menendez's defense attorneys that he and co-defendant Salomon Melgen were friends with no bribery conspiracy.

The prosecution alleges that the two men had a corrupt relationship over a seven-year period when they had to present. I didn't fall asleep. I paid attention and wrote my notes," she says. "What I saw in the courtroom was that he was not guilty of all counts and so was Dr. Melgen. They are friends...if I was rich and I had a lot of money and if I want to take my friend somewhere, why can't I?"

Deliberations will begin again Monday.

Menendez Trial: Juror asks for definition of 'senator'

Sen. Menendez 'convinced' he'll be exonerated in bribery trial

Exhibit B-9

Dismissed juror in Menendez trial: 'It's a hung jury right now'

Updated Nov 9; Posted Nov 9



[Dismissed juror from Menendez trial speaks](#)



By **MaryAnn Spoto**, mspoto@njadvancemedia.com,
NJ Advance Media for NJ.com

UPDATE: ['They're just trying to throw a good man under the bus'](#)

NEWARK -- [Jurors deciding](#) whether U.S. Sen. Robert Menendez accepted gifts from a wealthy Florida ophthalmologist can't agree on whether they were bribes or acts of generosity between two good friends, a juror dismissed from the case said Thursday.

"It's a hung jury right now," Evelyn Arroyo-Maultsby told the media after she was excused from the trial Thursday afternoon.

The juror said her former fellow panel members were still going through documents amassed during nine weeks of testimony in an

attempt to determine whether the Democratic lawmaker committed a crime.

In her mind, Menendez is not guilty, she said.



Evelyn Arroyo-Maultsby spoke to the news media after being dismissed from the jury in the corruption trial of U.S. Sen. Bob Menendez. (Luke Nozicka | NJ Advance Media for NJ.com)

She called the government "corrupted" and said she felt prosecutors were trying to railroad Menendez.

"What I saw, the government didn't give me enough. I think the defense showed me enough to say he's not guilty on every count," she told Fios.

She said jurors are also struggling over whether Menendez is guilty of failing to report those gifts on his annual Senate disclosure forms.

"This is his friend and they (the government) keep saying that 'oh if I take you out to dinner and I pay for your tab isn't that a gift?' No it's not. So they got it confused. If this man wants to take him on any flight and that's his friend, why do it have to be a gift?" the juror said.



Arroyo-Maultsby was excused Thursday, at the end of the third full day of deliberations, to head for a pre-planned vacation.

At the end of the day Thursday, U.S. District Judge William Walls called jurors out to dismiss them for the weekend and to tell Arroyo-Maultsby she was excused.

"It's come that time to discharge the jury pursuant to our agreement," US. District Walls said shortly after 3:30 p.m. on Thursday, referring to jurors' request on Wednesday to end their day at that time to avoid Newark's heavy traffic.

He selected another female alternate to take her place as deliberations begin anew on Monday. That keeps the composition of the jury at seven women and five men.

Jurors are not sitting on Friday because of the Veterans Day holiday.

This is the second alternate of six selected that Walls has used during the trial, and the first to be used during deliberations.

The first, a man, was replaced when he said during the trial that he needed to attend the two-day funeral services of his grandparent.

Menendez is accused of accepting bribes in the form of lavish gifts from his co-defendant, Florida ophthalmologist Salomon Melgen, in return for his political influence on government matters affecting Melgen's businesses.

Exhibit B-10

Menendez juror: 'They are just trying to throw a good man under the bus'

Updated Nov 10; Posted Nov 9



[Dismissed juror from Menendez trial speaks](#)



By **Luke Nozicka**, lnozicka@njadvancemedia.com,
NJ Advance Media for NJ.com

HILLSIDE -- The juror dismissed from Sen. Robert Menendez's bribery case said they began deliberations on Monday with nine of them -- including herself -- prepared to find him not guilty of the most serious charges. By Thursday, they were still deadlocked, she said.

Evelyn Arroyo-Maultsby, 61, of Hillside said the government had not made its case against Menendez and three others jurors agreed with her.

"They are just trying to throw a good man under the bus," Arroyo-Maultsby said during a half-hour interview at her home, hours after

U.S. District Judge William Walcott dismissed her as she could hear

U.S. District Judge William Walls dismissed her so she could keep a pre-arranged vacation to the Bahamas.

Arroyo-Maultsby described a tense, sometimes combative, atmosphere in the jury room. The disorganized deliberations at moments broke down, with jurors speaking over each other, and at least once using foul language, she said. Some of the jurors were dismissive of her opinion because they knew she would not be able to continue deliberations after Thursday, she said.

Menendez is accused of accepting bribes in the form of lavish gifts from his co-defendant, Florida ophthalmologist Salomon Melgen, in return for his political influence on government matters affecting Melgen's businesses. The trial in federal court in Newark began Sept. 6.



Inside the indictment of a U.S. senator

More than two years after Robert Menendez was indicted, jury selection begins this week in the high-profile political corruption case. A look at the charges the veteran U.S. senator from New Jersey is facing.

Arroyo-Maultsby, a verification clerk for NJ Transit, said she was steadfast in her opinion that the senator was not guilty and that the friendship between the two men was sincere. She insisted she would not have changed her mind if she had stayed on the case.

"I want Senator Menendez to know and his friend, Dr. Melgen, that they didn't do anything wrong," she said. "They are true friends."



Chegg

Arroyo-Maultsby, a Democrat, expressed support for Menendez, saying that she's pretty sure she voted for him previously and "absolutely" would vote for him after this trial.

She said there was also deep division on the charge that Menendez made a false statement on his Senate disclosure forms. The dismissed juror said she was the only one who thought he was not guilty of this offense initially.

At one point, she allowed the others to convince her he was guilty, but cried about it overnight, feeling like she had been wrongly swayed. On Thursday, she returned to the deliberations intending to vote not guilty on the charge, and believes she may have convinced others.



Evelyn Arroyo-Maultsby said she didn't believe the government made its case against the senator. She spoke from her home in Hillside, Thursday evening. (Bernadette Marciniak | NJ Advance Media for NJ.com)

"I would've never slept" if she had not changed her vote, Arroyo-Maultsby said.

At the end of the day Thursday, the judge dismissed the jury for the weekend.

He selected another woman to take her place as deliberations begin anew on Monday. That keeps the composition of the jury at seven women and five men.

Jurors are not sitting on Friday because of the Veterans Day holiday.

This is the second alternate of six selected that Walls has used during the trial, and the first to be used during deliberations.

The first, a man, was replaced when he said during the trial that he needed to attend the two-day funeral services of his grandparent.

Exhibit B-11

POLITICS & GOVERNMENT

Jury to restart deliberations in Menendez trial

BY **Briana Vannozzi**, Correspondent | November 9, 2017, 6PM EST

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There was no verdict on Thursday, and now the jury has to reset on Monday morning, starting deliberations all over again and prolonging this trial. One of the jurors was excused for a pre-planned vacation, so an alternate juror will be substituted in her place.

Adding to the drama is the fact that we haven't heard a peep from the jury since they began their first full day of deliberations on Tuesday. That's when they asked the judge for a section of a defense closing argument that described the definition of a senator. But, closing arguments aren't evidence, so that request was denied.

The latest bombshell came late Thursday afternoon from the excused juror. She spoke with a few reporters before getting into her car reportedly saying the jury is hung. But the defense showed her enough to say Sen. Menendez is not guilty on

every count. So it sounds like trouble in the jury room, which is what most legal experts Thursday speculated.

The senator has remained patient and calm throughout the process, here's what he said leaving the courthouse Thursday.

"I have faith when the new juror takes her seat on Monday, as I had faith from the first day of this trial, that she will join with others in finding us innocent of all the charges," said Menendez.

Menendez and his friend, wealthy Florida eye doctor Salomon Melgen, face an 18-count indictment for bribery and fraud charges. Menendez also faces a false statements accusation. Each of the bribery charges carry a maximum penalty of 15 years and the most serious of the charges against the men carry a maximum penalty of 20 years in prison. The government alleges that Menendez accepted free private flights and vacations in exchange for official acts on Melgen's behalf. The defense says they're friends.

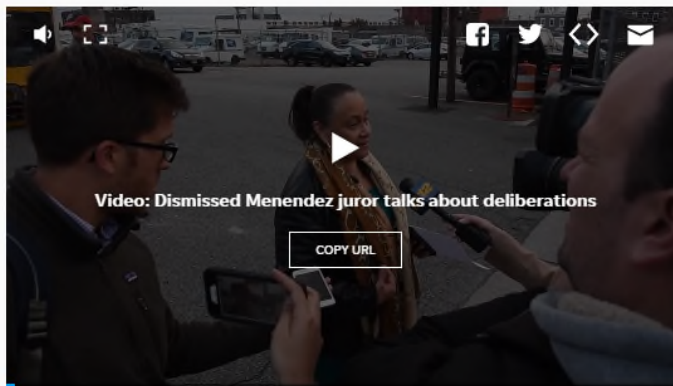
Exhibit B-12



Menendez trial: Dismissed juror says senator 'not guilty on all counts'

Nicholas Pugliese and Catherine Carrera, NorthJersey

Published 10:41 a.m. ET Nov. 9, 2017 | Updated 10:43 p.m. ET Nov. 9, 2017



Evelyn Arroyo-Maultsby, the juror dismissed from the Menendez trial because of vacation, speaks to the media outside of the federal courthouse on Thursday, November 9, 2017 in Newark, NJ. Danielle Parhizkaran/Northjersey.com



(Photo: Danielle Parhizkaran/Northjersey.com)

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A woman excused from the jury Thursday at the corruption trial of U.S. Sen. Bob Menendez said she was dead set against convicting the New Jersey Democrat and his co-defendant.

"If I would have been there all the way to the end, it would have been not guilty," said Evelyn Arroyo-Maultsby, 61, of Hillside. "All the way to the end, not guilty."

But in what appears to be a stroke of bad luck for Menendez and his co-defendant Salomon Melgen, the U.S. district court judge overseeing the case dismissed Arroyo-Maultsby on Thursday so she could take a long-scheduled vacation, a promise the judge made to her during jury selection in August.

The 12-person jury in the case has not reached a unanimous verdict after three full days of deliberations and will resume its discussions Monday with an alternate juror in Arroyo-Maultsby's place.

Arroyo-Maultsby described the dynamics in the jury room as "very stressful" and said the "majority is still saying not guilty."

But there is at least one adamant holdout, she said, and estimated that three or four jurors total were leaning toward a conviction.

"We have someone in there that definitely don't want to hear it and saying he's guilty," she told reporters as she left the federal courthouse in Newark. "I think it's going to be a hung jury."

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Menendez, who was released after 24 years

She also said she felt the government was "railroading" Menendez.

"I didn't like this experience," she said. "The unfairness and how it's being presented, talking about him being corrupt. I think the government is corrupt. I think the government was the crooked one, not Menendez."

The U.S. Department of Justice declined to comment on Thursday.

Miles Feinstein, a noted defense attorney from New Jersey who has handled many government corruption cases, said losing Arroyo-Maultsby is a real blow to the defense and that her statements to the press could create grounds for a mistrial.

Now that she's gone, the deliberation has to start over, creating enormous pressure for other holdout jurors to cave in just to finish the process, he said.

"The fact that they have to start over, that's really putting pressure on the jury," Feinstein said.

Arroyo-Maultsby's reasoning for doubting the government's case and holding that the men were "not guilty on all counts" echoed many of the arguments made by defense attorneys during the trial, now in its tenth week.

"That's his friend," she said of Melgen, a wealthy Florida eye doctor who has been close with the senator since the 1990s. "And if his friend wanted to take him anywhere he wants, why not? Just because he's a senator, his friend can't take him anywhere?"

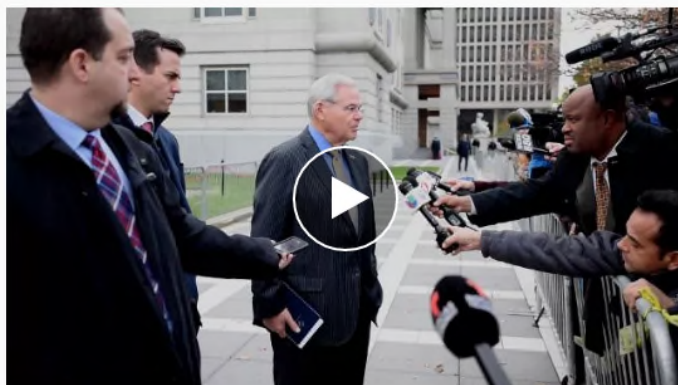
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She added: "When they said that it was going to be conspiracy, that they planned this, that's to me, I don't see that. Planning that, no, I don't see that. That's a friendship."

Story continues after video



After the jury didn't reach a verdict, Sen. Menendez talks to the media outside of Martin Luther King Jr. Federal Court in Newark on Wednesday Nov. 8, 2017. Mitsu Yasukawa/Northjersey.com

Menendez [stands accused](#) of using his office to help co-defendant Melgen secure visas for his foreign girlfriends and to intervene in a lucrative port security contract in the Dominican Republic and a multimillion-dollar Medicare dispute.

In exchange, prosecutors argued in court, Menendez took bribes in the form of luxury vacations, free flights on Melgen's private jets and \$660,000 in political contributions.

Menendez has vigorously denied the charges, saying that he will be vindicated at trial and run for re-election next year.

In total, Menendez faces six counts of bribery, three counts of honest services fraud, one count of conspiracy, one count of interstate travel to carry out bribery and one

one count of conspiracy, one count of interstate travel to carry out bribery and one count of making false statements on his congressional financial disclosures to conceal the crimes.

Melgen faces the same charges except for the false statements accusation.

The fraud charges carry the most serious penalty of up to 20 years in prison.



Senator Bob Menendez with his children Robert and Alicia Menendez, arrives at Martin Luther King Jr. Federal Courthouse on Thursday, November 9, 2017 to wait while the jury continues to deliberate in his corruption trial. (Photo: Amy Newman/NorthJersey.com)

At one point Thursday, Arroyo-Maultsby said there was discussion among jurors about potentially talking to the judge overseeing the case, William H. Walls, to see if he could help break their impasse.

"I told them that they're holding back on what I want to say and that we should go and let the judge know how we feel, and they didn't want to," she said. "They said, well, let's go more, maybe he might change our mind. But then, I told them they weren't going to change mine and there was no reason for them to try to change my mind."

She also suggested that the other jurors might have been stalling during deliberations in hopes of getting an alternate less dug-in on her view of the case.

"Really, personally, I think they was holding and taking their time so the next person could come on," Arroyo-Maultsby said.

Feinstein said the process has been tainted by letting the woman begin the deliberations with her vacation looming, knowing that she might not finish them.

And jurors are not allowed to discuss the case with anyone outside the courtroom until after a verdict has been reached. The fact that the juror was excused and then chose to speak to the press has violated the secrecy of the deliberation process, Feinstein said.

"This opens a real can of worms," he said. "The trial should not be in this position at this time."

Feinstein wasn't sure whether the judge was required by law to advise the departing juror against talking to the press, but he said it would have been "common sense and logic" that he would do so.

He added that the situation could have been avoided if the juror had not been allowed to begin deliberations in the first place, given that she might not be able to finish them.

"I would argue that a vacation is trumped by your duty as a juror," Feinstein said. "A vacation, as opposed to what's at stake here? Go on vacation some other time."

Arroyo-Maultsby said she wrapped up her civic duty with some parting words for her fellow jurors.

"I said to them, 'Please, make the right decision because they're the one that's not going to be able to sleep at night,'" she said.

On his way out of the courthouse Thursday, Menendez said — without knowing the views of the dismissed juror — he had "faith" that the replacement juror would join the others in reaching a not-guilty verdict.

"I want to thank the juror who was excused for her service," he said.

Deliberations will not be held Friday, Veterans Day, and are scheduled to resume Monday at 9:30 a.m.

Exhibit B-13



METRO

Dismissed juror in Menendez trial predicts hung jury

By Priscilla DeGregory and Kaja Whitehouse

November 9, 2017 | 6:21pm



Evelyn Arroyo-Maultsby

David McGlynn

A juror in the bribery trial of Sen. Robert Menendez said that the government is “railroading” the New Jersey Democrat with its high-profile corruption case — and she predicted a hung jury.

“To me, they were railroading him,” Evelyn Arroyo-Maultsby, 61, told reporters after she had been dismissed from the jury on Thursday due to a long-planned vacation.

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Dismissed juror causes chaos at Menendez

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"If I would have stayed (on the jury), he would have been 'not guilty' on every charge," the Hillside, NJ, resident said of the case after three days of deliberations ended without a verdict.

trial

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"It looks like a hung jury," she added of the deliberations she participated in.

Arroyo-Maultsby made the shocking comments after she was dismissed and replaced by an alternate juror due to a vacation she told the judge about when she was picked for jury duty in August. As a result of the swap, the jury will now have to start deliberations all over again when they come back Monday. .

An acquittal or hung jury would be a massive victory for Menendez, who faces decades in prison if convicted — and possible eviction from the senate.

He has been on trial for more than two months on allegations that he met with various government officials to help his rich doctor friend, Salomon Melgen, resolve an \$8.9 million billing dispute with Medicare and secure visas for Melgen's mistresses, among other political favors.

In return, Melgen gifted Menendez with trips on his private jet to his Dominican Republic home, all-expense-paid vacations including an almost \$5,000 three night stay at a ritzy Paris hotel, and \$750,000 in campaign donations, according to Dept. of Justice

prosecutors.

But the government's case has lacked any cooperating witnesses or smoking gun emails — relying instead on circumstantial evidence, including flight logs and meeting schedules, to demonstrate a quid-pro-quo.

That has opened the door for defense attorneys to argue that the gifts and favors exchanged between Menendez and Melgen, both 63, were the result of Menendez and Melgen's 20-year friendship — and not a corrupt agreement.

The defense has also argued that Menendez's actions fell short of the sorts of "official acts" now required by the Supreme Court to prove public corruption, including passing legislation or forcing another official to act.

"He can surely do for a friend he knows and trusts what he would do for a stranger who had the same issue of importance," attorney Abbe Lowell said of during closing remarks.

Arroyo-Maultsby on Thursday said she agrees.

"This is his friend," the juror said. "If this man wants to take him on any flight and that's his friend, why does it have to be a gift?"

Exhibit B-14

Jury Deliberations in Menendez Trial to Start Over After Juror Is Excused

By NICK CORASANITI and NATE SCHWEBER NOV. 9, 2017



New Jersey Senator Robert Menendez, a Democrat, outside the federal courthouse on Thursday where a jury failed to reach a verdict in Mr. Menendez's corruption trial.

Bryan Anselm for The New York Times

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NEWARK — In a federal trial that has been extended by legal arguments and delays, the jury that is deciding the fate of Senator Robert Menendez of New Jersey will have to restart deliberations next week because a juror was excused on Thursday so she could go on a long-planned vacation.

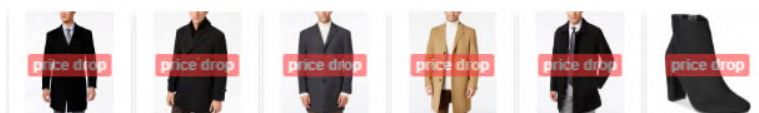
The excused juror, in an interview later at her home, said that had she remained on the panel, she would have found Mr. Menendez not guilty of all the charges against him. "They're trying to railroad the senator," said the juror, Evelyn Maultsby, 61. "If anything, the government is corrupt, not the senator, that's how I feel."

Ms. Maultsby said the remaining jurors were divided over whether Mr. Menendez and his co-defendant, Dr. Salomon Melgen, a wealthy eye doctor from Florida, had committed a crime. "All I see is friends trying to help each other and that's it," said Ms. Maultsby, who lives in Hillside and works as an auditor for New Jersey Transit.

"My heart goes out for him," she said, referring to Mr. Menendez, "and I'm praying for him that they do not find him guilty. If I could just give him a hug."

An alternate juror will be named to take Ms. Maultsby's place, and the jury will have to start again when it reconvenes on Monday. The jury will not meet on Friday in observance of Veterans Day.

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Ms. Maultsby and the judge presiding over the case, William H. Walls, had made an agreement during jury selection about vacation, because at the time, in late August, Judge Walls expected that the trial would be over by now.

"It has come that time to discharge the jury pursuant to our agreement," Mr. Walls said as he entered the courtroom on Thursday afternoon.

The jury began deliberating on Monday afternoon, and Thursday was its third full day of deliberations.

Last week, Judge Walls reminded the prosecution and the defense that if the jury did not reach a verdict by Thursday afternoon, Ms. Maultsby would be excused, and he later told all the jurors that he intended to honor his commitment.

Mr. Menendez, a Democrat from New Jersey, has been in court every day of his corruption trial even as he has tried to run his office in Washington from afar.

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Mr. Menendez is charged with using the power of his office to help Dr. Melgen in exchange for private plane rides, stays at luxury hotels and political contributions. Both men have maintained their innocence.

Initially, the court estimated that the trial would last six to eight weeks, with opening statements starting on Sept. 6. But the prosecution's case

moved along sluggishly.

A combination of methodical and sometimes repetitive questioning, repeated defense objections to evidence and lines of questioning and a few extra days off because of Jewish holidays resulted in the prosecution taking six weeks to present its argument.

Concerns over how long the trial would take surfaced during jury selection. At one point during the selection proceedings in August, Judge Walls and the lawyers discussed a different potential juror's vacation plans during a sidebar.

"This juror wrote that she was concerned about being a juror as of Nov. 13 and asked to be excused" from the jury pool, Judge Walls said at the time. "I rejected that because I didn't think the case would go up to Nov. 13."

Peter Koski, the lead prosecutor, and Abbe Lowell, a lawyer representing Mr. Menendez, responded to the judge that they hoped it would be over sooner. But Raymond Brown, another lawyer representing Mr. Menendez, was not so sure.

"Your Honor, I don't want us to be guaranteeing that," Mr. Brown said.

"You don't guarantee. I guarantee it," said Judge Walls, who then asked Mr. Brown, "We will be here up until Thanksgiving, do you suggest?"

"It's possible, your Honor," Mr. Brown said.

"I will bet you a nickel against \$700 million in the Lotto that we are not," Judge Walls replied.



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In the end, the potential juror with vacation plans was never chosen.

As for Ms. Maultsby, who was excused on Thursday, she said was leaving on Saturday for the Bahamas.

Exhibit B-15

Dismissed Menendez Juror Says Senator Is 'Not Guilty'

By Mylan Alfaro • 11/9/17 5:57pm



Sen. Robert Menendez Kevin P. Scharf for Observer

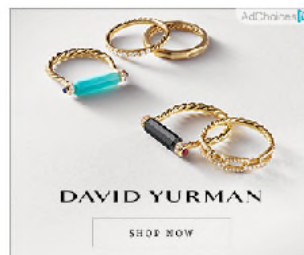
A juror dismissed from Sen. Bob Menendez's corruption trial on Thursday provided a rare and stunning glimpse into the jury's deliberations, saying she believed Menendez was not guilty and signaling trouble for the prosecution's case.

"I don't think he did anything wrong," Evelyn Arroyo-Maultsby told reporters outside of the federal courthouse in Newark.

She said that, had she remained on the jury, she would have pushed for Menendez to be found "not guilty on every charge." Prosecutors allege that Menendez took gifts and bribes from co-defendant Salomon Melgen, a wealthy political donor, in exchange for political favors. Menendez and Melgen have maintained that they are close friends and that their actions did not violate bribery laws.

"What I saw in the courtroom was that he was not guilty of all counts; so was Dr. Melgen," Arroyo-Maultsby said. "They are friends. And if my friend, if I was rich and I had a lot of money and if I want to take my friend somewhere, why can't I?"

Menendez's campaign quickly blasted out a news report about the juror's remarks to media contacts.



Arroyo-Maultsby was excused from the jury after a week of deliberations because she had a vacation planned. Judge William Walls had promised that she could be excused if jury deliberations did not conclude by the end of the week. An alternate juror will take her place, and the deliberations will begin from scratch.

Arroyo-Maultsby said she got emotional when her time on the jury ended, and said she pushed other jurors to tell Walls "how we feel."

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Arroyo-Maulsby took issue with the prosecution's case, which was mounted by the Justice Department's Public Integrity Section.



"I feel like the government was very corrupted, not that Menendez was," she said. "That they were, to me, railroading him. This is how I feel."

She continued: "When they said that it was going to be conspiracy, that they planned this, that's to me, I don't see that. Planning that, no, I don't see that. That's a friendship."

Arroyo-Maulsby also alluded to the possibility of a hung jury, noting that at least one juror was adamant about the senator's guilt while several others agreed with her about the senator's innocence.



"The majority is still saying not guilty," she said. "We have someone in there that ... don't want to hear it, saying he is guilty."

The trial will enter its 10th week on Monday.

Exhibit B-16

Excused Menendez juror: He's not guilty

Updated: NOVEMBER 9, 2017 — 6:10 PM EST



by SETH WENIG / AP

Sen. Bob Menendez arrives at the federal courthouse in Newark in this September file photo. The jury weighing his corruption case will continue its deliberations Wednesday.



by Andrew Seidman & Jeremy Roebuck - Staff Writers

NEWARK, N.J. — A juror who was excused Thursday after three days of deliberations in U.S. Sen. Bob Menendez's bribery trial said she and most of the other jurors believe he is not guilty of a crime.

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Evelyn Arroyo-Maultsby of Hillside told reporters outside the courthouse. She said she believed the senator's co-defendant, Florida eye doctor Salomon Melgen, was also not guilty.

U.S. District Judge William H. Walls dismissed the juror so she could go on a long-planned vacation, a promise he made to her before the trial began on Sept. 6. The judge had not expected the trial to last so long.

Menendez, a New Jersey Democrat, is [accused of accepting free trips](#) on private jets, vacations, and political donations in exchange for performing official acts to advance Melgen's business and personal interests.

The two men say prosecutors are trying to criminalize a longtime friendship.

"They are friends," Arroyo-Maultsby said. "If I was rich, and I had a lot of money, and if I want to take my friend somewhere, why can't I?"

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She said most of the remaining jurors agreed with her assessment, but that one could not be persuaded during deliberations. "It got very emotional today," she told reporters.

The Bergen Record posted a [video](#) of her remarks on its website.

During jury selection in August, Arroyo-Maultsby told Walls that her youngest son had twice been incarcerated, most recently during a 10-year stint in state prison for car theft. She also reported she was dyslexic and sometimes struggled with reading the English language.

Asked whether her son's experience would affect her ability to impartially weigh Menendez's case, she replied without hesitation. "Absolutely not," she said.

An alternate will now take her place on the jury. That reconstituted panel is to start deliberations from scratch on Monday.

Menendez and Melgen are charged with bribery, honest services fraud, and related corruption counts.

Exhibit B-17



Menendez, a Democrat and New Jersey's senior senator, is charged with advocating for co-defendant Salomon Melgen's business interests with top U.S. government officials in exchange for vacations.

Dismissed Menendez juror: 'I don't think he did anything wrong'

By MATT FRIEDMAN | 11/09/2017 04:59 PM EST



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NEWARK — A juror who was excused Thursday afternoon from U.S. Sen. Robert Menendez's federal corruption trial said that if she had stayed on, she would have found Menendez "not guilty on every charge."

Evelyn Arroyo-Maultsby also said other jurors' feelings about the case are mixed and she believes the result may be a hung jury.



Arroyo-Maultsby made the comments to a few reporters outside the federal courthouse in Newark, moments after leaving the trial to begin a previously-scheduled vacation in the Bahamas. Two of the reporters shared the audio with POLITICO.

"It was very stressful," said Arroyo-

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it was very successful, said Arroyo-

Maultsby, who, according to her Facebook page, lives in Hillside and is a

revenue accounting analyst for NJ Transit. "I feel like the government was very corrupted, not that Menendez was. That they were, to me, railroading him. This is how I feel. Personally, he's not guilty on all counts.

"I don't think he did anything wrong," she said.

Arroyo-Maultsby's stunningly candid remarks came at the end of the jury's third full day of deliberations. She was dismissed because her vacation next week had been planned before the trial began. Judge William Walls promised during jury selection that if the case was not finished by Thursday, she would be dismissed.

Walls appointed an alternate to replace Arroyo-Maultsby.

Menendez, a Democrat and New Jersey's senior senator, is charged with advocating for co-defendant Salomon Melgen's business interests with top U.S. government officials in exchange for vacations in the Dominican Republic, private jet flights, hotel stays, a car service and about \$750,000 in political contributions.

Arroyo-Maultsby said deliberations have been tense at times.

"Everybody's not agreeing," she said. "Yes, there's trouble in the jury room."

Arroyo-Maultsby also said she thinks more jurors may be leaning toward finding Menendez not guilty than guilty, but "when they're talking among each other, they're helping each, like, maybe changing their minds."

She added: "I'm just the one that they couldn't change my mind. If I would have stayed, he would have been not guilty on every charge."

Walls appointed a female alternate to replace Arroyo-Maultsby, keeping the jury's gender makeup the same — seven women and five men.

Court is closed Friday for Veterans Day. Walls said last week that deliberations would have to begin anew on Monday if he had to dismiss a juror.

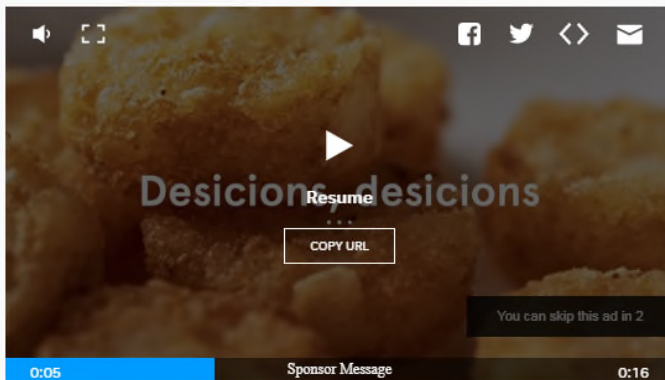
The trial began Sept. 6.

Exhibit B-18

Bob Menendez trial: Juror leaves and possible nightmare begins

Mike Kelly, Record Columnist, @MikeKellyColumn

Published 5:00 a.m. ET Nov. 10, 2017 | Updated 7:51 p.m. ET Nov. 10, 2017



Evelyn Arroyo-Maultsby, the juror dismissed from the Menendez trial because of vacation, speaks to the media outside of the federal courthouse on Thursday, November 9, 2017 in Newark, NJ. Danielle Parhizkaran/Northjersey.com

By letting a juror go on vacation, a federal judge creates legal complications in a trial with high political stakes.



(Photo: Danielle Parhizkaran/Northjersey.com)

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Suddenly the federal corruption trial of U.S. Sen. Bob Menendez is no longer just a trial. As the first week of jury deliberations ended, it turned into a potential legal nightmare.

This unexpected turn of events came as a juror was allowed to leave on a long-scheduled vacation — a vacation that U.S. District Judge William H. Walls, along with defense lawyers and prosecutors, had agreed to weeks ago.

But as this juror left the federal courthouse in Newark on Thursday afternoon, she told [The Record](#) that she was planning to vote to acquit Menendez and his co-defendant, Salomon Melgen, a Florida eye physician.

In other words, Menendez and Melgen, both 63 and longtime friends, just lost a defender on the jury who seemed steadfast in her belief that they were not guilty of a litany of corruption charges that could send both to prison for years.



Mike Kelly
@MikeKellyColumn



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"He's not guilty on all counts," the juror, Evelyn Arroyo-Maultsby, 61, of Hillside, said. "I don't think he did anything wrong."

Those are strong words — the legal equivalent of mother's milk to a defendant.

Menendez trial: [Dismissed juror says senator 'not guilty on all counts'](#)

Menendez trial: [Closing arguments by the defense lawyers, prosecutor](#)

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Inside the courthouse, Judge Walls replaced the vacationing juror with an alternate — the legal equivalent of reshuffling a deck of cards in the middle of a tense poker game. How the new juror will vote — and indeed whether this new juror's views mirror those of Arroyo-Maultsby — is anybody's guess.

But is this any way to run a high-profile trial of a U.S. senator?

Legally, there is nothing wrong with dismissing a juror, even for a vacation. But many lawyers agree it's highly unusual, especially in such a high-profile trial.

Gerald Krovin, a widely respected defense attorney based in Newark, called Walls' decision to let the juror take a vacation "an unfortunate miscalculation" that was made worse by Walls' failure to explicitly ask the juror not to speak about what had already taken place in deliberations.

Ronald Chen, the former New Jersey public advocate who is now co-dean of Rutgers Law School, described Walls' decision as "very strange," adding that Walls should have replaced the vacationing juror with an alternate before this crisis developed.

"Foolhardy," added another top North Jersey defense attorney, reacting to Walls' decision.

"You're not talking about a kid on trial after getting caught with 2 ounces of cocaine," said this attorney, who asked not to be named because he represented one of the witnesses in the Menendez case. "You're talking about a sitting senator whose verdict one way or another could affect the history of the nation."

What complicates this scenario even more is that the vacationing juror not only spoke publicly about her own views on the case, but also offered an unusual look into a jury's overall deliberations, and divisions, before those deliberations concluded.

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"It's unheard of that you get a juror to narrate what is happening while deliberations have gone on," Krovin said.

Such is the beginning of a possible judicial thicket that could end in a mistrial. Short of that, attorneys said, the juror's statements certainly could be grounds for an appeal if Menendez is convicted on any counts.

"If you think it was a circus there on Thursday, just wait until Monday morning," said Krovin, who predicted that defense and prosecuting attorneys will likely speak to Walls about the juror's remarks, and that Walls may even take the unusual step of questioning the remaining jurors about whether they were aware of what had taken place.





Senator Bob Menendez with his children Robert and Alicia Menendez, arrives at Martin Luther King Jr. Federal Courthouse on Thursday, November 9, 2017 to wait while the jury continues to deliberate in his corruption trial. (Photo: Amy Newman/NorthJersey.com)

Arroyo-Maultsby, the vacationing juror, not only said she would vote not guilty "on all counts," but also that a segment of the remaining jurors agreed with her at this point. In a later interview with NJ.com, she expanded her remarks to say that other jurors believed Menendez should be convicted on the lesser, non-bribery-related charges that he failed to properly follow Senate rules about disclosing the wide array of gifts he received from Melgen. CNN also reported that she offered her observations in a note to the judge.

What Arroyo-Maultsby essentially depicted was a divided jury — the basics of a hung-jury mistrial. But then she said she feared that with her departure — and the lack of her strong voice for an across-the-board acquittal — the remaining jurors might take steps to find Menendez and Melgen guilty on some or all of the charges.

Walls, of course, had no idea on Thursday that this juror spoke so freely as she left the courthouse. He did not instruct her to keep quiet when he dismissed her on Thursday.

Menendez's chief lawyer, Abbe Lowell, had no idea, either. He explained as he left the courtroom that he did not believe he had any legal grounds to block Walls' decision to allow Arroyo-Maultsby to take her vacation.

Grounds for appeal?

But the juror's statements could alter Lowell's strategy. Or it could be grounds for an appeal if Menendez is convicted on any of the charges.

He is accused of using his office to help Melgen secure visas for foreign girlfriends, lobbying on the doctor's behalf to gain approval for a lucrative port security deal in the Dominican Republic and intervening on the doctor's behalf in a multimillion-dollar Medicare dispute.

Besides the legal implications, there are also transformative political stakes.

If convicted of any of the charges, Menendez would be under immense pressure to resign from his Senate seat. And if that happens before the Democratic governor-elect, Phil Murphy, takes office in mid-January, it would be left to Gov. Chris Christie, a Republican, to appoint a replacement.



Mike Kelly (Photo: NorthJersey.com)

It's likely he would appoint a Republican, thereby strengthening the GOP's majority in the Senate and potentially providing enough votes to repeal the Affordable Care Act, or Obamacare.

We've known the stakes since the beginning of this trial nine weeks ago. But now, the legal plot has changed.

Ross Baker, a political science professor at Rutgers University who advises Democrats in the House and Senate, said the latent fear that Menendez might be convicted — or substantially weakened — was a prime reason New Jersey Democrats worked hard to elect Murphy, thereby blocking any chance that Menendez would be replaced by a Republican.

But Baker said the Menendez case has also tarnished the larger reputation of the Garden State.

"New Jersey doesn't set very high standards," Baker said. "It's political corruption at all

levels."

Jurors are supposed to return to court on Monday to resume deliberations.

They may have to wait as the defense attorneys, prosecutors and the judge try to untangle the legal dilemma that suddenly looms over their heads.

Email: kellym@northjersey.com

Exhibit B-19

Departing Menendez juror says she would acquit



Sen. Robert Menendez (D-N.J.) exits federal court in Newark on Nov. 8. After jurors in the bribery trial of Menendez ended their fourth day of deliberations without a verdict on No. 9, the judge dismissed one member who had previously arranged a vacation, replacing her with an alternate. (Peter Foley/Bloomberg)

By Alan Maimon November 9

NEWARK — A juror excused Thursday from the deliberations in the bribery trial of Sen. Robert Menendez (D-N.J.) predicted the panel will end deadlocked without a verdict.

“I think it’s going to be a hung jury,” Juror No. 8, Evelyn Arroyo-Maultsby, told FIOS1 News as she left the courthouse. She was dismissed as a juror due to a long-standing promise the judge in the case had made at the start of the trial that she would still be able to go on a long-planned vacation trip.

AS she left the case, she offered an inside glimpse of a jury divided on many of the issues in the corruption trial. But she was adamant that prosecutors had not convinced her that the senator had done anything illegal.

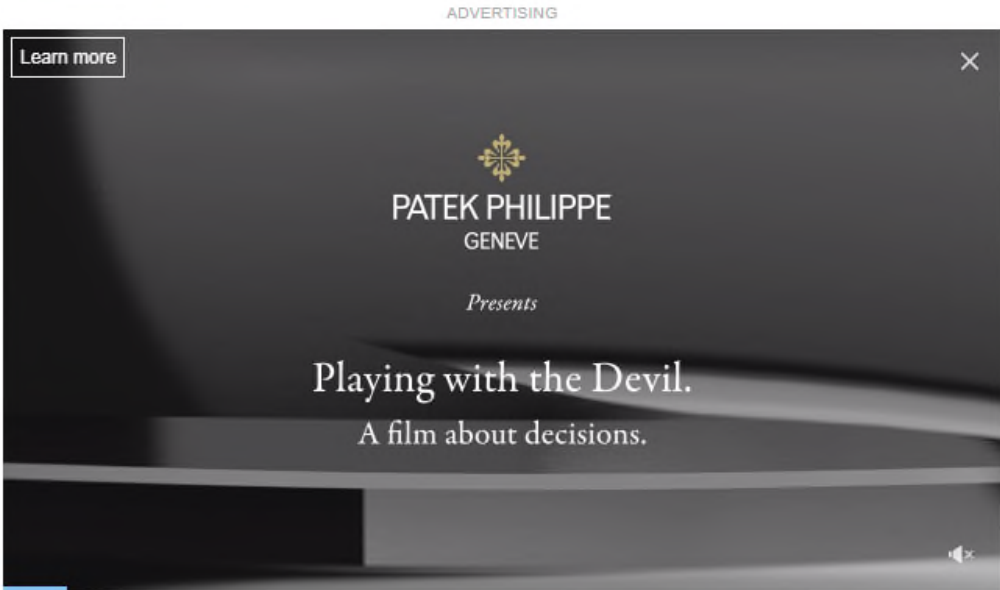
“I feel like the government was very corrupted, not that Menendez was,” said Arroyo-Maultsby. “What I saw, the government didn’t give me enough. So I think the defense showed me enough to say he’s not guilty on every count.”

Menendez is accused of engaging in a corrupt bargain with Florida eye doctor Salomon Melgen. Prosecutors say the senator took gifts like a luxury hotel stay, private flights and hundreds of thousands of dollars in campaign donations from Melgen, and in return Menendez acted as the doctor’s “personal senator,” advocating on his behalf on various government matters.

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“What I saw in the courtroom was he was not guilty on all counts and so was Dr. Melgen,” the departing juror said. “They are friends. If I was rich and if I had a lot of money and I want to take my friend somewhere, why can’t I?”



After nine weeks of testimony and legal arguments, the jury has deliberated over three days. Arroyo-Maultsby told FIOS1 News the panel has been working through the 18 counts in the indictment, but there are significant disagreements among the jurors.

She said other jurors also want to vote not guilty on some counts, “but I’m the only one that’s held out that he’s not guilty on every single charge.”

The jurors will resume deliberations on Monday.

Exhibit B-20

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Divided Menendez Jury Will Restart Its Deliberations

Woman excused from panel says most jurors think the New Jersey Democrat isn't guilty



Democratic New Jersey Sen. Bob Menendez, center, arrived at federal court in Newark. PHOTO: PETER FOLEY/BLOOMBERG NEWS

By Thomas MacMillan

29 COMMENTS

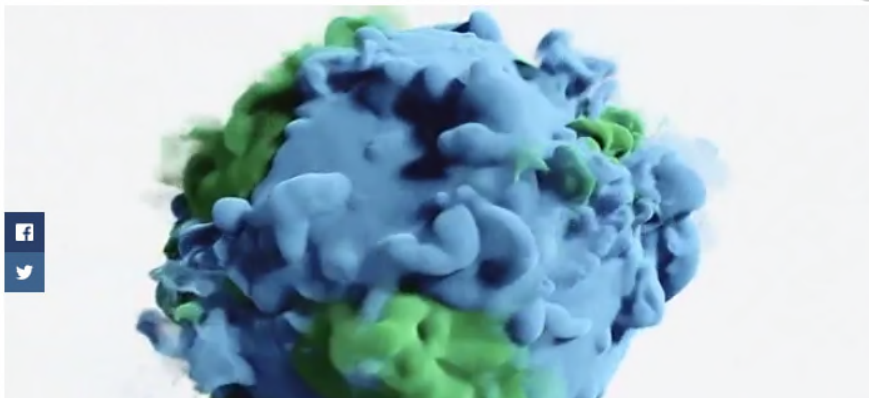
Nov. 9, 2017 8:24 p.m. ET

After more than three days of deliberation in the bribery and corruption trial of Sen. Bob Menendez, the jury is split and not close to a decision, said a juror who was excused from the panel Thursday.

The juror, Evelyn Arroyo-Maultsby, was replaced at the end of the day by an alternate, fulfilling a promise from the judge. Ms. Arroyo-Maultsby was excused to attend a cruise for a family wedding.

After leaving the federal courthouse in Newark, Ms. Arroyo-Maultsby said she would have voted to acquit the Democratic senator from New Jersey. She said the government was trying to "railroad" him. "They're just trying to throw a good man under the bus," she added.

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Her comments offer the first glimpse into what has been occurring this week inside the deliberation room, where 12 jurors are deciding a case that could affect the balance of power in the U.S. Senate.

The jury is charged with determining the fate of Mr. Menendez and Florida eye doctor Salomon Melgen, his co-defendant. The men are accused of participating in a yearslong scheme in which the doctor allegedly bribed the senator with private flights, luxury vacations, and campaign contributions in exchange for political favors.

If convicted, Mr. Menendez could serve prison time and be forced to step down from his Senate seat. The most serious charge carries a maximum sentence of 20 years.

Both men have pleaded not-guilty. Their lawyers say the government is trying to criminalize a genuine and longstanding friendship.

Ms. Arroyo-Maultsby, a 61-year-old NJ Transit payroll auditor, said the prosecutors' case didn't convince her. "They didn't give me enough to show me it was bribery. They were friends."

Ms. Arroyo-Maultsby said most jurors think the defendants aren't guilty, including three jurors who are absolutely convinced. Another group is equally firm on the other side, she said.

"Really, there's three that say that they're guilty and they're not changing their mind," she said. "I think it's going to be a hung jury. I guess they might have to do another trial."

Judge William Walls said last week that replacing a juror would mean the panel will have to start deliberating "from scratch."

But even though jurors are supposed to begin from square one when a member is replaced, that can be difficult to do in practice, especially after the panel has been deliberating for days, legal experts said.

"That's such a substantial amount of time that I think it's going to be a real challenge to start over," said Valerie Hans, a law professor at Cornell University.

Jurors already may have taken sides and established arguments that can be hard to discard, she said.

"Throwing someone else into the mix can be disorienting and can be kind of frustrating for the jurors," said Andrew Ferguson, a law professor and author of the book "Why Jury Duty Matters." Jurors may not really be able to clear their minds, he said. "You can't un-ring that bell."

But a new juror could shake things up and help a stuck panel move forward, said Thaddeus Hoffmeister, a law professor at the University of Dayton, who studies juries. "The biggest thing is you get a fresh set of eyes."

Ms. Arroyo-Maultsby was replaced by another woman, leaving the jury at seven women and five men. Jurors resume deliberations Monday.

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Exhibit B-21

Inside the Menendez Jury, Tense Talks and a Fleeting Deal to Convict

By David Voreacos and Neil Weinberg

November 10, 2017, 5:58 PM EST

- Juror says she balked after 12-0 vote on false-statement count
- Husband says 'conscience was telling her' she was being unfair

The jury considering corruption charges against U.S. Senator Robert Menendez was three days into deliberations when Juror 8 left her post to pack up for a Caribbean cruise. What she said on the way out has the potential to upend the nine-week trial.



Menendez exits federal court. Photographer: Peter
Ley/Bloomberg

The juror, Evelyn Arroyo-Maultsby, said she and her fellow panelists believed prosecutors failed to make a compelling case against Menendez, a New Jersey Democrat whom she called a good man and “not at all corrupt.” Her remarks to reporters on Thursday behind Newark’s federal courthouse were unusual enough, revealing usually secretive jury deliberations in a way that could ultimately raise concerns from the judge.

Another one of her revelations may have darker implications for Menendez. In an interview with Bloomberg, Arroyo-Maultsby said that all 12 jurors had at one point agreed that the sitting lawmaker was guilty of one criminal charge -- making false statements by failing to disclose gifts on his Senate ethics forms -- which would have given him a felony conviction.



But then came a dissent, from Arroyo-Maultsby herself. She went home for the night and had a change of heart, she said in the interview at her home in Hillside, New Jersey, where her husband, Russell Maultsby, at times joined her. “Her conscience was telling her that she was being unfair to that man,” he said.

During deliberations on Thursday, she said Menendez should be acquitted on that count as well and another juror took her side. Deliberations turned tense, she said.

Fellow jurors said she'd soon be off the panel, leaving her to believe her vote didn't matter. She raised her concerns about a "very unfair" process in a note for the judge, she said.



relyn Arroyo-Maultsby Photographer: David
reacos/Bloomberg

'Worst Case'

The question now is whether her public comments will complicate the jury's work. Deliberations could continue uninterrupted with an alternate juror in Arroyo-Maultsby's place, said several lawyers not involved in the case. However, Michael Weinstein, a former Justice Department lawyer, said her mid-deliberation comments could make a complex case even more convoluted.

U.S. District Judge William Walls, who has repeatedly implored jurors to avoid news accounts of the trial, is likely to question the remaining 11 jurors and the alternate who replaced her about whether they saw Arroyo-Maultsby's public comments, Weinstein said.

"As a worst-case scenario, the judge could declare a mistrial," said Weinstein. "That's the ultimate leverage the judge has if he thinks the jury has been tainted."

Arroyo-Maultsby's peek into the jury's inner workings resulted from a promise the judge made when she was selected in August. At the time, Arroyo-Maultsby told Walls that she had a family vacation planned in mid-November -- a cruise in the Bahamas that would include a wedding and the celebration of her husband's 60th birthday.

Judge's Bet

Walls rejected a defense attorney's caution that the case could be in session until Thanksgiving. "I will bet you a nickel against \$700 million in the Lotto that we are not," Walls replied.

But on the afternoon of Nov. 6, after two months and dozens of witnesses, the jury convened to consider the government's case that Menendez accepted bribes from Salomon Melgen, a Florida eye doctor who is his longtime friend and donor.

The jurors had heard prosecutors argue that Melgen gave the senator gifts such as private jet travel, a vacation in Paris and hundreds of thousands of dollars in campaign donations. Menendez, in exchange, helped Melgen with a port security contract in the Dominican Republic, visas for three of the doctor's girlfriends and an \$8.9 million Medicare overbilling dispute, the U.S. argued.

By Wednesday, the second full day of deliberation, jurors were leaning toward acquitting Menendez on 17 of the 18 counts of conspiracy, bribery and honest service fraud, Arroyo-Maultsby said in the interview. The exception was jurors' unanimous agreement, as of Wednesday, that Menendez made false statements. That didn't sit well with her, Arroyo-Maultsby said Thursday.

"I came home very upset because I changed the last verdict to guilty. Today, it wasn't in my heart" said Arroyo-Maultsby, still wearing her "Juror" button as she sat at her kitchen table beneath a painting of the Last Supper.

She said she agreed with defense lawyers' argument that the men are good friends who had no corrupt intent. In fact, she said, it was the prosecutors themselves who she saw as corrupt.

Deliberations were tense when she returned, she said. But another juror joined her, leaving the margin at 10-2 for conviction on the false claims count. But other panelists, she said, mentioned she'd soon be dismissed.

"I wanted my vote to count. I felt like they were taking their time because they didn't want my vote to count," she said. "Two jurors said, 'Don't worry because you're going on vacation.'"

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Arroyo-Maultsby showed Bloomberg a pencil draft of a note apologizing for not being able to finish deliberating. She explained that she had rewritten the message in ink and asked a clerk to give it to the judge on Thursday. "I found it very unfair that after 9 weeks this jury refused to present a verdict that was reached on Wednesday. Prolonging our decision will dismiss my conclusion after 9 long weeks of process allowing an alternate to replace me," the draft note said.

Arroyo-Maultsby, a daughter of Puerto Rican immigrants, is a payroll clerk at NJ Transit, where she has worked for 22 years. She dropped out of high school in Passaic, New Jersey, when she had her first child at age 17, and she later got a general equivalency diploma. She's registered as a Democrat.

Menendez, a son of Cuban immigrants, is a leading Hispanic voice in Congress. Jurors heard that Melgen, a native of the Dominican Republic, is his closest friend.

"He's a very good man to be our senator," she said. "He cares about his people, and he didn't forget where he came from. He helped a lot of people, not only Dr. Melgen."

'Outside Influence'

Attorney Robert Mintz said he doubts her comments would affect the trial or any possible appeal. "A judge would say, 'What goes on inside the jury room should remain among jurors, at least until the end of the case, so they can deliberate without outside influence,'" Mintz said. "But unless those conversations influence the remaining jurors, it's not likely to be an appellate issue."

Exhibit B-22

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One juror excused from jury deliberations in Sen. Bob Menendez trial

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NEWARK, N.J. — A juror who was excused from the bribery trial of U.S. Sen. Bob Menendez on Thursday said most of the jurors favor acquittal and that she would have cast a not-guilty vote for the New Jersey Democrat on all counts.

Evelyn Arroyo-Maultsby spoke outside the courthouse after the jury was unable to reach a verdict after three full days and part of a fourth. The judge in August approved her leaving by this week because she had a trip planned for a family wedding.

Menendez and Florida eye doctor Salomon Melgen are charged with a bribery scheme in which Melgen allegedly bribed Menendez with trips on his private jet and luxury vacations so Menendez would lobby government officials on his behalf.



"What I saw in the courtroom was he was not guilty on all counts and so was Dr. Melgen," Arroyo-Maultsby said. "They are friends. If I was rich and if I had a lot of money and I want to take my friend somewhere, why can't I?"

She said one juror was pushing strongly for an acquittal and she believes the trial will end with a hung jury.



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Arroyo-Maultsby was replaced by an alternate, and jurors will resume deliberations Monday, though the judge said they must start over with the new juror. Alternates sit with the rest of the jury during the trial and hear all evidence and testimony but do not participate in deliberations.

The jury began deliberating late Monday and has put in about 15 hours during three-plus days.

It's unclear what effect Arroyo-Maultsby's comments could have on deliberations. Jurors are instructed by the judge not to read anything about the case or discuss it during the trial, but their actions outside the courtroom aren't monitored.

"They shouldn't know any disclosures by the parting juror, but if they do become aware of it, that potentially taints the deliberations," said Mala Ahuja Harker, a



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had seen reports of Arroyo-Maultsby's comments. Assuming deliberations continue, the introduction of a new juror will shift the dynamic in the jury room, Ahuja Harker said.

She said each jury has a unique dynamic, and injecting a new person changes it. For instance, if there was a dominant voice in the group and others weren't voicing their opinions, adding a new voice could make some jurors more comfortable expressing their opinions, Ahuja Harker said.

Menendez, speaking outside the courthouse, said he has confidence in the replacement juror.

"I have faith that, when the new juror takes her seat on Monday, as I've had faith from the first day of this trial, that she will join with the others in finding us innocent of all the charges,"

The jury is considering a total of 18 counts — both men are charged with conspiracy, violating the Travel Act, three counts of honest services fraud and six counts of bribery. Menendez also is charged with making false statements by omitting Melgen's gifts from his Senate disclosure forms.

Prosecutors contend Melgen made Menendez his "personal senator," available during a seven-year period as needed, such as when Melgen was embroiled in an \$8.9 million Medicare billing dispute.

Defense attorneys say the gifts were part of the men's longtime friendship and that Menendez's meetings with government officials were focused on broader policy issues, not specifically on Melgen's problems.

Both men say there was no bribery arrangement. Neither testified during the trial, leaving jurors to rely on emails and witness testimony to assess what their intentions were.

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Exhibit B-23



Excused Menendez juror predicts 'hung jury,' passes note to judge



By Sarah Jorgensen and Laura Jarrett, CNN

Updated 3:28 PM ET, Fri November 10, 2017



Prosecution rests in corruption trial of Democratic Senator 03:09

STORY HIGHLIGHTS

Juror No. 8: "Everybody's not agreeing. It looks like a hung jury."

Deliberations will resume Monday with a new Juror




Related Article: Bob Menendez charges, explained

Newark, New Jersey (CNN) — A juror dismissed from the [corruption trial of Sen. Bob Menendez](#) said she believes the case is headed toward a "hung jury," and wrote a note to Judge William Walls expressing her concerns.

"It's going to be a hung jury," Evelyn Arroyo-Maultsby, the former "Juror No. 8," said in an interview with CNN. "I gave him my feelings about what was going on in the jury room. I just wanted to express to him that we couldn't reach an agreement."

Her note to the judge, the details of which have not previously been reported, was passed to Walls' courtroom deputy Thursday afternoon as Arroyo-Maultsby left for the day and she said the deputy accepted it.

After she was dismissed, she provided an extraordinary peek behind the curtain into over 16 hours of jury deliberations, describing a "tense" mood in the jury room with the vote "flip-flopping" at times.



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Menendez is accused of engaging in a seven-year bribery scheme, accepting lavish gifts from Dr. Salomon Melgen -- a Florida ophthalmologist -- in exchange for political favors. Both men deny all charges.



"I'm not going to put anyone in jail when I have reasonable doubt," she added.

Arroyo-Maultsby said that several other jurors had tried dissuade her from writing to Walls during deliberations about how they were deadlocked on some counts, but she ultimately decided to write him anyway.

Overall, she said, the jurors "got along," and plan to go out for drinks when the trial is finally over.

Deliberations will resume Monday morning with an alternate juror to replace Arroyo-Maultsby, but as Walls has warned the lawyers, the move means jurors have to start deliberations "again from scratch."

Alternate jurors watched the proceedings of the 10-week trial and heard all of the arguments, but have been kept separated from the main jury panel during deliberations.

Menendez told reporters Thursday that he understands the jury has "a lot to go through" in their deliberations, but has not commented on the dismissed juror's tell-all on deliberations. The men are charged with 18 counts, and jurors were shown nearly 300 exhibits and heard from nearly 60 witnesses over the course of 10 weeks.

"I have every expectation that based upon all of the facts that have been presented at this trial, if they listen to the law and the facts, I am convinced we will be exonerated and that's worth waiting for," Menendez told reporters outside of court Wednesday.

Asked by a reporter if he is ready for the verdict, Menendez responded: "I am past ready for judgment day."

So far, jurors have [asked one question of the court](#). On Tuesday, a juror asked for a portion of Menendez attorney Abbe Lowell's closing arguments in which he discussed the "definition of a senator." Walls declined the juror's request because closing arguments are not considered evidence.

The jury will continue to be comprised of seven women and five men.

This story has been updated.



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Exhibit B-24

EDITORIAL: Guilty or not, Menendez must stay until Murphy takes over

Published 5:01 p.m. ET Nov. 10, 2017



(Photo: Danielle Parhizkaran/Northjersey.com)

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A dismissed juror may have thrown a wrench into the ongoing corruption trial of U.S. Sen. Bob Menendez this week, but any impact on the ongoing deliberations won't change the importance of Menendez staying in office until Governor-elect Phil Murphy can name his replacement in January.

Menendez and co-defendant Salomon Melgen, a Menendez friend and wealthy ophthalmologist, face a series of bribery and other charges related to a series of gifts between the two men. The jury examined the case for three full days without a verdict before one of the jurors, Evelyn Arroyo-Maultsby, was released when a judge honored a promise to let Arroyo-Maultsby go for a long-planned vacation.

Arroyo-Maultsby wasn't bashful with the media afterward, describing a panel sharply divided over many of the counts, with an apparent majority favoring acquittal. Arroyo-Maultsby said she wouldn't have convicted Menendez on any of the charges.

It isn't clear what effect Arroyo-Maultsby's comments may have on the integrity of the trial. No laws prevent her from speaking publicly about the deliberations; at most a judge can only discourage public comment when a juror is released or after a trial is complete.

But the look she provided behind the curtain certainly raises the prospect of a hung jury, or at the very least a verdict in which Menendez and Melgen are found not guilty of the more serious charges against them.

Details of the verdict matter a great deal to the defendants, of course, but from a political standpoint, any change in the trial dynamic related to Arroyo-Maultsby's dismissal should matter little. Even if Menendez is found guilty on all counts, he should not resign until Murphy gets a chance to name the successor, beginning Jan. 16.

We wouldn't recommend many other corrupt politicians, Democrat or Republican, stick around after a guilty verdict, regardless of whether the decision was under appeal. But there are special circumstances in this case that collectively change the perspective.

It starts with President Trump, a dangerous element in the White House whose failings go far beyond the incompetence of even some of the worst of past presidents. His miserable, reckless agenda could rise or fall by the narrowest of margins on Capitol Hill, and Democrats cannot afford to relinquish a seat to the Republicans just by the accident of timing.

That, however, is exactly what would happen if Menendez resigns while Gov. Chris Christie can still pick his replacement. Christie would certainly install a Republican, with potentially dramatic consequences.

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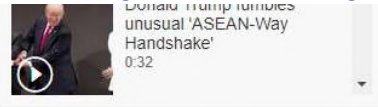


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Donald Trump fumbles

In electing Menendez, voters chose the Democratic nominee for the seat, as they also just did by making Phil Murphy governor. New Jerseyans will clearly be most appropriately served by the governor-elect keeping the Senate seat in the victorious party. That, however, must wait until Murphy takes charge.

A convicted Menendez shouldn't even think of staying on beyond January, of course, much less consider a run for re-election. But until Jan. 16 Menendez must stay put, regardless of what jurors decide.



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REPORTED BY Dominic Carter POSTED ON Nov 10, 2017, 7:04 pm

Excused Menendez juror shares her emotional experience

Evelyn Arroyo-Maultsby reveals why she did not cancel her vacation

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NEWARK — The juror excused by the judge in federal corruption trial of Sen. Robert Menendez due to a scheduled vacation spoke with FIOS1 News immediately after leaving court Thursday. On Friday, she had more to say.

Juror number 8 is returning to the life she had before the trial. Getting her hair done at Shear Essence Hair Salon in Clifton for that vacation she was relieved from the jury for, Evelyn Arroyo-Maultsby is sharing her emotional experience as a juror.

She does feel others on the panel wanted her gone.

"I said on all charges, he's not guilty and then I started going around all the charges and telling them I wasn't going to talk and then I said I'd serve the rest

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I-287 N

US-1 - EXIT 14

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I-95

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All the news that

charges and letting them know now I felt, and they said 'oh, so you're not gonna change your mind?' And I said 'no, I'm not gonna change my mind,' Arroyo-Maultsby said.

"To me, they were holding on because they knew that Thursday was my last day. And that maybe once Evelyn leaves, maybe they can change everybody else's mind. See, that's how I felt," Arroyo-Maultsby added.

A day later she is not backing down predicting a hung jury. But now the panel, including with support from Arroyo Maultsby, had all voted to convict Menendez on count number 18. This is the count that alleges he made false statements regarding his senate financial disclosure form. But the next morning, Arroyo-Maultsby backed out.

"Then when I got home, and I started thinking about it, and then I started praying on it. I felt God talking to me, saying 'Evelyn, if you have doubts, remember the word reasonable doubt,'" Arroyo-Maultsby said.

And then there is the question with the high stakes: Why didn't she cancel her vacation?

"...I thought about it that if it would've been just my husband and I going on vacation, I could've change the date. But since it's my husband's birthday gift, my mother's 80th birthday gift and a wedding, I couldn't change it. I just couldn't change it. But you don't know how much I wanted to stay to put my verdict in," Arroyo-Maultsby said

Deliberations begin again on Monday with a new juror.

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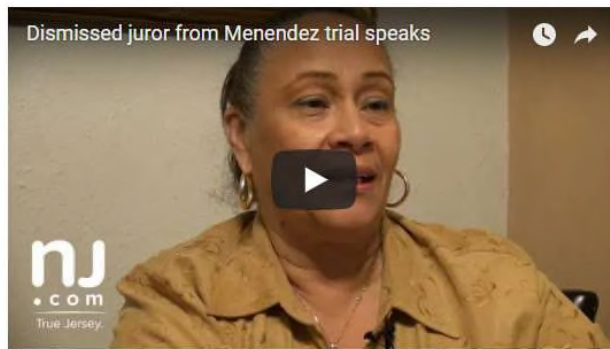
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NEW JERSEY POLITICS

Will comments from Menendez juror impact case? Legal experts weigh in

Updated Nov 10; Posted Nov 10



[Dismissed juror from Menendez trial speaks](#)



By [Thomas Moriarty](#) and [MaryAnn Spoto](#)
 NJ Advance Media for NJ.com

NEWARK -- A juror [dismissed from the federal corruption trial of U.S. Sen. Robert Menendez](#) yesterday offered a rare glimpse into the jury room of the first trial of a sitting U.S. senator in nearly a decade.

But will her candid comments pose any legal questions for the court to consider when the trial resumes on Monday morning?

U.S. District Judge William H. Walls, who is presiding over the trial in Newark, dismissed Evelyn Arroyo-Maultsby, 61, from the jury Thursday because of [a looming vacation of which she had informed the court during jury selection](#). One of five remaining alternates is slated to take her seat when deliberations resume.

Arroyo-Maultsby revealed the jury was deeply divided as to the guilt or innocence of [Menendez and Salomon Melgen](#), the wealthy ophthalmologist accused of bribing the senator in exchange for government favors. The pair's trial, which began on Sept. 6, had originally been expected to last six to eight weeks.

Arroyo-Maultsby, who said she would have voted to acquit the senator of the alleged bribery scheme, also said she was the only juror who did not initially believe Menendez was guilty of intentionally concealing Melgen's gifts from the Senate.

Alan Tuerkheimer, a jury consultant and principal of Chicago-based Trial Methods, said in an email Thursday night that the substitution of the alternate "fully changes the dynamic" of the deliberations.



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"They have to get up to speed, integrate into the process, get comfortable expressing views, etc.," he said. "It can be done and happens from time to time but it makes the whole deliberation process more bumpy."

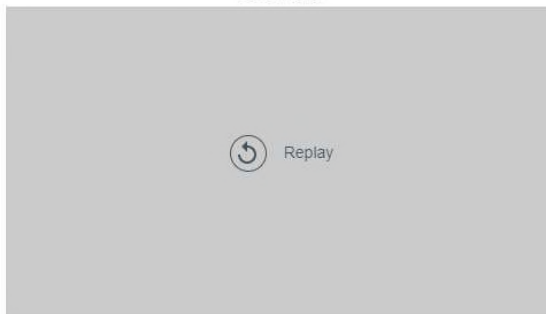
Tuerkheimer said he was not aware of any formal rule in the federal court system that would prevent a dismissed deliberating juror from talking about his or her experiences, but that Arroyo-Maultsby should have been admonished not to speak about the case until a verdict had been reached.

Walls did not issue any specific instructions prior to Arroyo-Maultsby's dismissal regarding any future contact with the media.

Robert Mintz, a former federal prosecutor who now chairs the white-collar defense group at McCarter & English in Newark, said judges vary in their approach to advising jurors at the conclusion of a trial about speaking with the media.

"Often judges will discourage it, but they cannot bar jurors from discussing the deliberations with reporters," he said. "When a juror is dismissed during a trial, the court will generally strongly urge them not to discuss the case, at least until a verdict is reached, since it may undermine the public's confidence in the ultimate verdict."

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"But these discussions do not necessarily create an appellate issue, since these comments to the media should not impact the deliberations of the remaining jurors."

Walls has instructed all of the jurors to avoid news coverage of the proceedings during their service on the panel.

Joseph Hayden, a North Jersey trial attorney with years of experience handling high-profile corruption cases, told NJ Advance Media it is very uncommon for a juror dismissed during deliberations to speak so candidly with the press.

"This is highly unusual, but the ultimate legal question will be whether or not it had any impact on the deliberating jury," Hayden said.

Brian Neary, a Hackensack-based criminal defense attorney who teaches trial advocacy at Rutgers Law School, said the scheduled substitution of an alternate for Arroyo-Maultsby's seat was unusual in itself.

"If a juror gets substituted, it means something unusual happened."



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Usually you put a substitute in because something unusual happens, he said.

Neary said the judge may question the remaining jurors individually to determine whether they've seen their former colleague's comments.

"It's a matter of, have the jurors seen the fellow juror's comment?"

Neary said. "And as a result of that comment, do they feel their ability to be fair and unbiased has been compromised?"



A judge can make that inquiry on his or her own, he said, but will usually leave it to one side or the other to make the request.

"It's not an easy case to say, 'Because something happened, declare a mistrial,'" Neary said. "It's not a do-over kind of case."

Asked for comment Thursday evening about Arroyo-Maultsby's remarks, a representative for Menendez pointed a reporter to the senator's comments outside the courthouse earlier that afternoon, in which Menendez thanked Arroyo-Maultsby for her lengthy service and said he looked forward to a new juror taking her seat on Monday

The senator told reporters he had faith "that (the new juror) will join with others in finding us innocent of all the charges."

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Exhibit B-27



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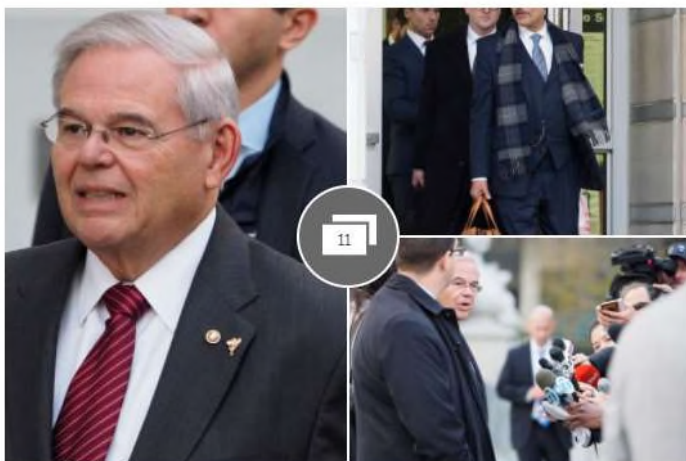
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NEW JERSEY OPINION

Do you think the government is trying to throw Menendez 'under the bus'?

Updated Nov 11; Posted Nov 11



Gallery: Jury continues deliberations in Menendez corruption trial

By [The Jersey Journal](#)

A juror on the corruption trial of Sen. Robert Menendez spoke out Thursday after she was dismissed for her vacation, saying the Democrat and his co-defendant were true friends and that the government was trying to throw him under the bus.

She [called the government "corrupted"](#) and said she felt prosecutors were trying to railroad Menendez.

"What I saw, the government didn't give me enough. I think the defense showed me enough to say he's not guilty on every count," Evelyn Arroyo-Maultsby told the media.

"They are just trying to throw [a good man under the bus.](#)"

Menendez is accused of accepting bribes in the form of lavish gifts from his co-defendant, Florida eye doctor Salomon Melgen, in return for his political influence on government matters affecting Melgen's businesses.

The jury is considering a total of 18 counts -- both men are charged

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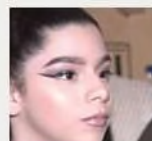


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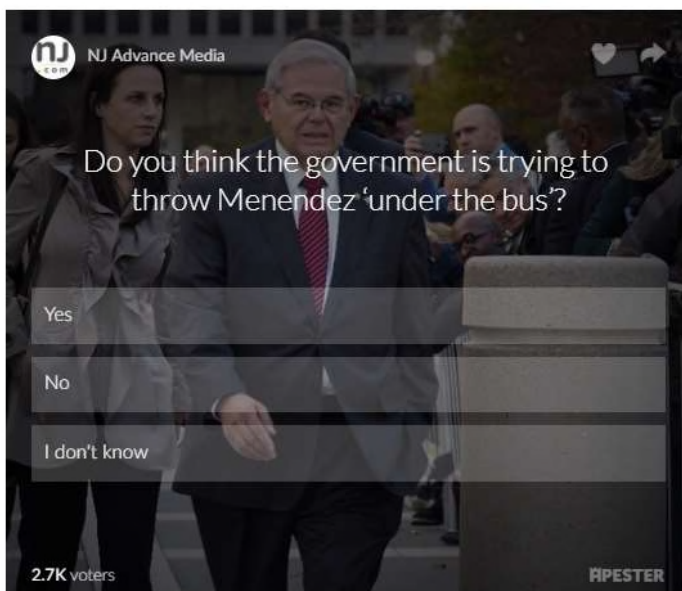
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with conspiracy, violating the Travel Act, three counts of honest services fraud and six counts of bribery. Menendez also is charged with making false statements by omitting Melgen's gifts from his Senate disclosure forms.

"This is his friend and they (the government) keep saying that 'oh if I take you out to dinner and I pay for your tab isn't that a gift?' No it's not. So they got it confused. If this man wants to take him on any flight and that's his friend, why do it have to be a gift?" the juror said.



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By —
David Porter,
Associated
Press



Menendez juror's remarks bolster 'friendship' defense

Nation Nov 11, 2017 10:45 AM EST

NEWARK, N.J. — Remarks from a juror excused in the middle of deliberations in Sen. Bob Menendez's bribery trial suggest the panel could wind up deadlocked or voting for acquittal, because many of them may believe the defense's central argument in the case.

Evelyn Arroyo-Maultsby, who was excused from the jury Thursday due to a previous commitment, said she would have acquitted the Democratic senator and co-defendant Salomon Melgen on all counts. She also said most other jurors were favoring acquittal.

Prosecutors allege the senator and the wealthy Florida eye doctor engaged in a bribery scheme in which Menendez took official actions to benefit Melgen in exchange for luxury vacations and flights on Melgen's private jet.

Her comments appeared to indicate at least some, and possibly a majority, of the jury believe the defense's central argument: that Menendez's longtime friendship with Melgen explained the gifts.

"They are friends," Arroyo-Maultsby said. "If I was rich and if I had a lot of money and I want to take my friend somewhere, why can't I?"

The friendship theme ran throughout the defense's case in the nine-week trial, and it was condensed in Menendez attorney Abbe Lowell's closing argument when he used the words "friend," "friends" or "friendship" more than 80 times.

In his rebuttal to jurors, federal prosecutor Peter Koski echoed the judge's instructions that gifts given "both out of friendship and a corrupt intent" can be considered bribes.

"The defense would like you to believe that friendship and bribery are mutually exclusive, that friendship and bribery cannot co-exist," he said. "Ladies and gentlemen, that is not the law."

READ NEXT: Determining intent will be crucial in Menendez bribery trial

Another of Arroyo-Maultsby's comments could also be significant, said former federal prosecutor Michael Weinstein, currently the head of white collar defense and investigations for the Cole Schotz law firm.

"The word I picked up on is that people think Menendez is being 'railroaded,'" he said. "If I'm the prosecution, that's difficult to hear. Then it presents a 'me vs. the government' scenario."

Deliberations resume Monday with an alternate taking Arroyo-Maultsby's place.

While her comments pierced the veil of secrecy shrouding all jury deliberations, they are unlikely to lead to a mistrial, Weinstein and other former federal prosecutors said. The judge likely will ask jurors individually on Monday if they saw the comments and whether they can still be impartial.

If her account was an accurate reflection of the dynamic inside the jury room, a deadlocked jury might be the best outcome prosecutors could hope for, said Dan R. Alonso, managing director at global compliance firm Exiger and a former federal prosecutor in Brooklyn.

An acquittal would reinforce the view that official bribery cases have become more difficult to prosecute, a trend traced to last year's U.S. Supreme Court ruling that overturned the bribery conviction of former Republican Virginia Gov. Bob McDonnell. That ruling played a significant role in how the jury was instructed in the Menendez trial.

"The law doesn't change because a jury decides that on these facts, the government didn't prove the case beyond a reasonable doubt," Alonso said. "But in practical terms, it could signal to prosecutors that it's pretty tough to prove both the quid pro quo and the official acts in these cases."

Neither side commented on Arroyo-Maultsby's comments Friday.

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Jury deliberations resume Monday in the trial of Sen. Robert Menendez.

AP By DAVID PORTER

Updated 54 mins ago

NEWARK, New Jersey -- The judge in Sen. Bob Menendez's bribery trial questioned jurors Monday about comments made last week by a dismissed juror that defense attorneys say could have contaminated the deliberations.

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Here's the reason women are less likely to get CPR from bystanders

Four jurors and three alternate jurors told U.S. District Judge William Walls they had heard or read something about the trial over the weekend, and he began questioning them individually in his chambers.

Jurors have been told repeatedly not to read reports about the case.

The dismissed juror told reporters on Thursday she anticipated a hung jury and that she would have voted for acquitting the Democratic senator on all counts. She also said some jurors told her that her vote "didn't count" because she had to leave by Thursday for a previously scheduled vacation.

The panel is set to start over Monday with an alternate juror in her place.

Defense attorneys argued Monday that Evelyn Arroyo-Maultsby's comments that she was told she couldn't send the judge a note last Wednesday could represent a breach of protocol. Walls downplayed any intimations that the jury had been compromised and accused defense attorney Abbe Lowell of making an issue of it because "she was on your side."

"My way of looking at things is, it's nothing more than what she said to them inside the deliberation room," Walls said, referring to Arroyo-Maultsby's public comments. "Juror no. 8 is no longer with us, an alternate is taking her place and in effect we're having a new jury with instructions to start from scratch and forget about last week. That we have a disgruntled juror, from a practical sense, is really of no moment to me."

Prosecutors alleged Menendez and wealthy Florida eye doctor Salomon Melgen engaged in a bribery scheme between 2006 and 2013 in which Menendez traded his political influence for luxury vacations and flights on the doctor's private plane.

They each face about a dozen counts including bribery, fraud and conspiracy. Menendez also is charged with making false statements for failing to report Melgen's gifts on Senate disclosure forms.

Both men deny the allegations. Defense attorneys have sought to show jurors that the two men are longtime friends who exchanged gifts out of friendship. They also contend Menendez's meetings with government officials were focused on broad policy issues.

Arroyo-Maultsby's comments appeared to indicate at least some, and possibly a majority, of the jurors may believe the defense's theory.

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The jury has deliberated roughly 15 hours over three full days and part of last Monday. If the newly constituted panel fails to reach a verdict over the next several days, Walls would have to weigh how long to let them continue before declaring a mistrial.

The government then would choose whether to retry the pair.

If Menendez is acquitted, it would reinforce the view that official bribery cases have become more difficult to prosecute, a trend traced to last year's U.S. Supreme Court ruling that overturned the bribery conviction of former Republican Virginia Gov. Bob McDonnell. That ruling played a significant role in how the jury was instructed in the Menendez trial.

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http://www.nj.com/politics/index.ssf/2017/11/with_new_member_on_menendez_jury_deliberations_sta.html

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NEW JERSEY POLITICS

With new member on Menendez jury, deliberations start fresh

Updated 7:49 AM; Posted Nov 12, 6:00 PM



Gallery: The trial of U.S. Sen. Robert Menendez, D-N.J.

74



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By **Thomas Moriarty and MaryAnn Spoto**

NJ Advance Media for NJ.com

NEWARK -- When jurors in the corruption trial of U.S. Sen. Robert Menendez assemble on Monday morning to deliberate, [they'll start with a new member](#), but not necessarily with a clean slate, one jury consultant told NJ Advance Media.

Alan Tuerkheimer, a Chicago-area jury consultant, said it's unlikely the seating of a new juror will dramatically alter the balance of the deliberating jury.

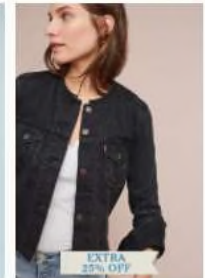
When Evelyn Arroyo-Maultsby was dismissed from the deliberating jury on Thursday to attend an upcoming pre-planned vacation, [she told reporters that jurors remained deadlocked on the issue of Menendez's guilt](#) or innocence on the bribery charges.

She also said she had been the only one prepared to find him not guilty of a single charge of false statements by failing to report on several of his Senate disclosure forms gifts from his co-defendant, Salomon Melgen, a wealthy Florida ophthalmologist.

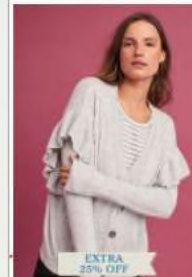
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 Kiwi Report



Here's who is likely to pick Menendez replacement if he leaves Senate
 NJ.com

However, the loss of that juror doesn't automatically mean Menendez lost his chance of having the other jurors swayed to that same opinion, Tuerkheimer said, even though the chances are slim.

"Put it this way -- you don't want to pin your hopes on one juror coming in and changing everybody's mind," he said.

That notion, he said, is a creation of Hollywood glorified in a classic movie in which Henry Fonda's character - the lone holdout on a jury deliberating the fate of a young murder suspect - but is not likely to occur in an actual jury room.

"There's this popular notion of 12 Angry Men," he said, "where it's 11-to-one and one person pretty much convinces everybody else."

Jurors had been deliberating for three full days before U.S. District Judge William Walls excused Arroyo-Maultsby.

The substitution of the alternate may give jurors a fresh perspective, but it won't necessarily mean anyone will change their opinion, Tuerkheimer said.

"I think most likely it's going to take some time for that juror to persuade others of their point of view," he said.

The remaining deliberating jurors, he said, already "know what buttons to push, what people's personalities are like."

Tuerkheimer said he thinks the jurors "kinda know they're not going to be there forever."

"That helps someone who is in the minority - a one or two-person holdout," he said, noting small groups of jurors with shared views of a case can form tight bonds during deliberations.

Walls did not specifically instruct Arroyo-Maultsby not to speak about her experience on the jury, but legal experts have told NJ Advance Media that attorneys may ask him to question the remaining jurors individually to determine whether they saw her comments in the press.

The judge has instructed jurors to avoid all media accounts of the trial during their time on the jury.



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Walls previously approved a trial schedule that could see proceedings last through Thanksgiving.

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<https://why.org/articles/jury-presses-reset-button-menendez-trial/0>

Jury presses reset button in Menendez trial



By Joe Hernandez - November 13, 2017

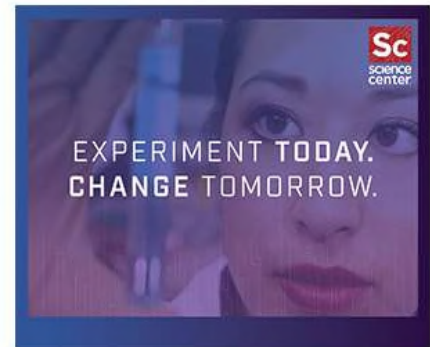


U.S. Sen. Bob Menendez greets supporters as he arrives to court in Newark, N.J., last month.

The federal jury deciding the fate of New Jersey U.S. Sen. Bob Menendez will start from scratch Monday after a juror was excused last week to take a trip she had planned before the trial.

On Thursday, Judge William Walls replaced her with an alternate juror and instructed the body to begin deliberations anew this week.

But how do 11 people who have been poring over evidence and offering their viewpoints on the case for more than three days truly start over?



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“Restarting the deliberations means just that,” said Mark Lee, a former federal prosecutor and a partner at the law firm Blank Rome in Philadelphia.

Lee acknowledged the original jurors may not be thrilled at the prospect of having to begin deliberating a second time, more than nine weeks into the trial.

But he said it will mean those jurors get a second chance to consider the evidence — with the assistance of a fresh set of eyes on the case.

“That new [juror] may have seen something that the other 11 didn’t see in the first go-round,” Lee said.

Excused juror Evelyn Arroyo-Maultsby indicated the panel was having trouble reaching a consensus on the 18 counts of conspiracy, bribery, fraud and false statements.

Justice Department prosecutors contend that Menendez, a high-ranking Democrat, flexed his political muscle to benefit Florida ophthalmologist Salomon Melgen in exchange for free flights, trips and sizable political contributions.

Both men have denied any wrongdoing.

Speaking to reporters Thursday, Arroyo-Maultsby said the jury was split on the charges, but that in her eyes, Menendez was no criminal.

“What I saw in the courtroom was he was not guilty on all counts and so was Dr. Melgen,” she said.

The Associated Press contributed to this story.